

JOURNAL  
OF THE  
SENATE

OF THE  
STATE OF KANSAS

FOR THE

2015 Legislative Session  
January 12 through June 26, 2015

HELD AT THE

STATE CAPITOL  
TOPEKA, KANSAS

COREY CARNAHAN, *Secretary of the Senate*



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*Governor*

SAM BROWNBACK, Topeka

*Lieutenant Governor*

JEFF COLYER, Overland Park



**OFFICERS OF THE SENATE**

2015 Regular Session



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

**STATE SENATORS**  
**2015 LEGISLATIVE SESSION**  
**Members Listed Alphabetically**

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

**SENATE COMMITTEE ASSIGNMENTS  
2015 LEGISLATIVE SESSION**

**Standing Committees**

- 8:30 a.m. Mon-Tues**                      **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*; Abrams, 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*; Baumgardner, Denning, Longbine, Melcher, Olson, Pilcher-Cook, Wilborn.  
Holland, *Ranking Minority Member*; Faust-Goudeau.
- On Call**                                      **Confirmation Oversight (6)**  
Bruce, *Chairperson*; Hensley, *Vice Chairperson*; King, Masterson, Olson, Wagle.
- 9:30 a.m.**                                      **Corrections and Juvenile Justice (7)**                      **Room 118-N**  
Smith, *Chairperson*; Knox, *Vice Chairperson*; Baumgardner, King, McGinn, Ostmeyer.  
Petty, *Ranking Minority Member*.
- 1:30 p.m.**                                      **Education (11)**                                      **Room 144-S**  
Abrams, *Chairperson*; Arpke, *Vice Chairperson*; Baumgardner, Fitzgerald, Kerschen, Melcher, Pyle, Schmidt, Tyson.  
Hensley, *Ranking Minority Member*; Petty.
- 9:30 a.m. Wed-Thur**                      **Ethics and Elections (9)**                      **Room 142-S**  
Holmes, *Chairperson*; Fitzgerald, *Vice Chairperson*; Arpke, Love, O'Donnell, Wagle, Wolf.  
Faust-Goudeau, *Ranking Minority Member*; Haley.
- 10:30 a.m.**                                      **Federal and State Affairs (9)**                      **Room 144-S**  
Ostmeyer, *Chairperson*; LaTurner, *Vice Chairperson*; Holmes, Longbine, Olson, Wilborn, Wolf.  
Faust-Goudeau, *Ranking Minority Member*; Holland.
- 9:30 a.m.**                                      **Financial Institutions and Insurance (9)**                      **Room 546-S**  
Longbine, *Chairperson*; Bowers, *Vice Chairperson*; Denning, LaTurner, Olson, Schmidt, Wilborn.  
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.

**9:30 a.m. Mon/Tues**

**Local Government (9)**

**Room 159-S**

Pyle, *Chairperson*; Fitzgerald, *Vice Chairperson*; Arpke, Holmes, Love, O'Donnell,  
Wolf.  
Faust-Goudeau, *Ranking Minority Member*; Haley.

**8:30 a.m. Wed-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 (3)**

Wagle, *Chairperson*; Bruce, *Vice Chairperson*; King.

**1:30 p.m.**

**Public Health and Welfare (9)**

**Room 118-N**

Pilcher-Cook, *Chairperson*; O'Donnell, *Vice Chairperson*; Bowers, Denning,  
Holmes, LaTurner, Love.  
Kelly, *Ranking Minority Member*; Haley.

**On Call**

**Senate Select Committee on KPERS (9)**

King, *Chairperson*; Longbine, *Vice Chairperson*; Bowers, Denning, Holmes, Knox,  
Masterson.  
Hensley, *Ranking Minority Member*; Kelly.

**8:30 a.m. Tues-Fri**

**Transportation (9)**

**Room 546-S**

Petersen, *Chairperson*; Wolf, *Vice Chairperson*; Donovan, Fitzgerald, King,  
LaTurner, Schmidt.  
Pettey, *Ranking Minority Member*; Hensley.

**1:30 p.m.**

**Utilities (11)**

**Room 548-S**

Olson, *Chairperson*; Petersen, *Vice Chairperson*; Knox, Longbine, Lynn, Masterson,  
Powell, Smith, Wilborn.  
Francisco, *Ranking Minority Member*; Hawk.

**10:30 a.m.**

**Ways and Means (11)**

**Room 548-S**

Masterson, *Chairperson*; Denning, *Vice Chairperson*; Arpke, Fitzgerald, Kerschen,  
Melcher, O'Donnell, Powell, Tyson.  
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, Lunn, Pauls, Trimmer, Ward, Winn.

### **Corrections and Juvenile Justice Oversight**

#### **On Call (7 Senate – 7 House)**

Baumgardner, Fitzgerald, Haley, Knox, LaTurner, McGinn, Smith.

*House Members*: Carlin, DeGraaf, Gonzalez, Grosserode, Henry, Rubin, Ward.

### **Information Technology**

#### **On Call (5 Senate – 5 House)**

Petersen, *Vice Chairperson*; Francisco, Holland, Love, Melcher.

*House Members*: Hildabrand, *Chairperson*; Claeys, Esau, Whipple, Wilson.

### **Kansas Security**

#### **On Call (5 Senate – 5 House)**

Smith, *Vice Chairperson*; Hensley, Holmes, Petersen, Pettey.

*House Members*: Goico, *Chairperson*; Bridges, Jones, Lane, Mast.

### **Legislative Coordinating Council**

#### **On Call (3 Senate – 4 House)**

Wagle, *Chairperson*; Bruce, Hensley.

*House Members*: Merrick, *Vice Chairperson*; Burroughs, Mast, Vickrey.

### **Legislative Post Audit**

#### **On Call (5 Senate – 5 House)**

O'Donnell, *Vice Chairperson*; Hensley, Kelly, Longbine, Lynn.

*House Members*: Barker, *Chairperson*; Burroughs, Mast, Peck, Trimmer.

### **Pensions, Investments and Benefits**

#### **On Call (5 Senate – 6 House)**

King, *Vice Chairperson*; Hensley, Holmes, Kelly, Masterson.

*House Members*: Johnson, *Chairperson*; Alcalá, Edmonds, Hawkins, Henry, Macheers, Suellentrop, 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*: Hawkins, *Vice Chairperson*; Ballard, Edmonds, Schwartz, Ward.

**Special Claims Against the State**

**On Call (3 Senate – 4 House)**

Kerschen, *Vice Chairperson*; Bruce, Haley.

*House Members*: Todd, *Chairperson*; Houser, McPherson, Wolfe-Moore.

**Special Committee on Judiciary**

**On Call (4 Senate – 4 House)**

King, *Chairperson*; Haley, Knox, Smith.

*House Members*: Davis, Kuether, Pauls, Rubin.

**Special Committee on Ethics, Elections and Local Government**

**On Call (5 Senate – 5 House)**

Holmes, *Chairperson*; Faust-Goudeau, Fitzgerald, O'Donnell.

*House Members*: Huebert, *Vice Chairperson*; Barker, Esau, Kiegerl, Sawyer.

**State Tribal Relations**

**On Call (5 Senate – 5 House)**

Bowers, Haley, Knox, Ostmeyer, Pettey.

*House Members*: Burroughs, Ewy, Macheers, Osterman, Victors.

**Telecommunications Study Committee**

**On Call (9 Senate – 11 House)**

Olson, *Co-Chairperson*; Francisco, Hawk, Knox, Longbine, Lynn, Petersen, Smith, Wilborn.

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

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

**Abrams, Steve**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Education	Chair	1:30 pm	144-S
Agriculture	Member	8:30 am Mon-Tues	159-S
Assessment and Taxation	Member	9:30 am	548-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	

**Arpke, Tom**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Education	Vice Chair	1:30 pm	144-S
Ethics and Elections	Member	9:30 am Wed-Thur	142-S
Local Government	Member	9:30 am Mon-Tues	159-S
Natural Resources	Member	8:30 am Wed-Fri	159-S
Ways and Means	Member	10:30 am	548-S

**Baumgardner, Molly**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Commerce	Member	8:30 am	548-S
Corrections and Juvenile Justice	Member	9:30 am	118-N
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Education	Member	1:30 pm	144-S

**Bowers, Elaine**

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

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

**Bruce, Terry**

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

**Majority Leader**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
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	Member	On Call	

**Denning, Jim**

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

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

**Donovan, Leslie D. "Les"**

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

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

**Faust-Goudeau, Oletha**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Ethics and Elections	*R.M. Member	9:30 am Wed-Thur	142-S
Federal and State Affairs	*R.M. Member	10:30 am	144-S
Local Government	*R.M. Member	9:30 am Mon-Tues	159-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Commerce	Member	8:30 am	548-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Special Committee on Ethics, Elections and Local Government (Joint)	Member	On Call	

**Fitzgerald, Steve**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Ethics and Elections	Vice Chair	9:30 am Wed-Thur	142-S
Local Government	Vice Chair	9:30 am Mon-Tues	159-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Education	Member	1:30 pm	144-S
Special Committee on Ethics, Elections and Local Government (Joint)	Member	On Call	
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**

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

**Haley, David**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Judiciary	*R.M. Member	10:30 am	346-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Ethics and Elections	Member	9:30 am Wed-Thur	142-S
Local Government	Member	9:30 am Mon-Tues	159-S
Public Health and Welfare	Member	1:30 pm	118-N
Special Claims Against the State (Joint)	Member	On Call	
Special Committee on Judiciary (Joint)	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	

**Hawk, Tom**

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

**Committee**

Financial Institutions and Insurance  
 Administrative Rules and Regulations (Joint)  
 Agriculture  
 Natural Resources  
 Telecommunications Study (Joint)  
 Utilities

**Caucus Chair**

<b>Rank</b>	<b>Time</b>	<b>Room</b>
*R.M. Member	9:30 am	546-S
Member	On Call	
Member	8:30 am Mon-Tues	159-S
Member	8:30 am Wed-Fri	159-S
Member	On Call	
Member	1:30 pm	-548

**Hensley, Anthony**

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

**Committee**

Confirmation Oversight  
 Education  
 Interstate Cooperation  
 Assessment and Taxation  
 Kansas Security (Joint)  
 Legislative Coordinating Council (Joint)  
 Legislative Post Audit (Joint)  
 Pensions, Investments and Benefits (Joint)  
 Senate Select Committee on KPERS  
 Transportation

**Minority Leader**

<b>Rank</b>	<b>Time</b>	<b>Room</b>
Vice Chair	On Call	
*R.M. Member	1:30 pm	144-S
*R.M. Member	On Call	
Member	9:30 am	548-S
Member	On Call	
Member	8:30 am Tues-Fri	546-S

**Holland, Tom**

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

**Committee**

Assessment and Taxation  
 Commerce  
 Federal and State Affairs  
 Information Technology (Joint)  
 Interstate Cooperation

**Agenda Chair**

<b>Rank</b>	<b>Time</b>	<b>Room</b>
*R.M. Member	9:30 am	548-S
*R.M. Member	8:30 am	548-S
Member	10:30 am	144-S
Member	On Call	
Member	On Call	

**Holmes, Mitch**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Ethics and Elections	Chair	9:30 am Wed-Thur	142-S
Special Committee on Ethics, Elections and Local Government (Joint)	Chair	On Call	
Agriculture	Member	8:30 am Mon-Tues	159-S
Federal and State Affairs	Member	10:30 am	144-S
Kansas Security (Joint)	Member	On Call	
Local Government	Member	9:30 am Mon-Tues	159-S
Pensions, Investments and Benefits (Joint)	Member	On Call	
Public Health and Welfare	Member	1:30 pm	118-N
Senate Select Committee on KPERS	Member	On Call	

**Kelly, Laura**

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

**Minority Whip**

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

**Kerschen, Dan**

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

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

**King, Jeff**

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

**Vice President**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Judiciary	Chair	10:30 am	346-S
Senate Select Committee on KPERS	Chair	On Call	
Special Committee on Judiciary (Joint)	Chair	On Call	
Pensions, Investments and Benefits (Joint)	Vice Chair	On Call	
Confirmation Oversight	Member	On Call	
Corrections and Juvenile Justice	Member	9:30 am	118-N
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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Corrections and Juvenile Justice	Vice Chair	9:30 am	118-N
Agriculture	Member	8:30 am Mon-Tues	159-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Judiciary	Member	10:30 am	346-S
Senate Select Committee on KPERS	Member	On Call	
Special Committee on Judiciary (Joint)	Member	On Call	
State Building Construction (Joint)	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	
Telecommunications Study (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

**LaTurner, Jacob**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Federal and State Affairs	Vice Chair	10:30 am	144-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
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

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

**Love, Garrett**

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

**Majority Whip**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Agriculture	Chair	8:30 am Mon-Tues	159-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Ethics and Elections	Member	9:30 am Wed-Thur	142-S
Information Technology (Joint)	Member	On Call	
Interstate Cooperation	Member	On Call	
Judiciary	Member	10:30 am	346-S
Local Government	Member	9:30 am Mon-Tues	159-S
Public Health and Welfare	Member	1:30 pm	118-N

**Lynn, Julia**

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

**Assistant Majority Leader**

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

**Masterson, Ty**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Ways and Means	Chair	10:30 am	548-S
Confirmation Oversight	Member	On Call	
Organization, Calendar and Rules	Member	On Call	
Pensions, Investments and Benefits (Joint)	Member	On Call	
Senate Select Committee on KPERS	Member	On Call	
Utilities	Member	1:30 pm	548-S

**McGinn, Carolyn**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Agriculture	Member	8:30 am Mon-Tues	159-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Corrections and Juvenile Justice	Member	9:30 am	118-N
Judiciary	Member	10:30 am	346-S
Natural Resources	Member	8:30 am Wed-Fri	159-S

**Melcher, Jeff**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Legislative Post Audit (Joint)	Vice Chair	On Call	
Public Health and Welfare	Vice Chair	1:30 pm	118-N
Ethics and Elections	Member	9:30 am Wed-Thur	142-S
Local Government	Member	9:30 am Mon-Tues	159-S
Natural Resources	Member	8:30 am Wed-Fri	159-S
Robert G. (Bob) Bethell Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	
Special Committee on Ethics, Elections and Local Government (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

**Olson, Robert "Rob"**

Republican, District 23  
 Room 236-E  
 (785) 296-7338

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

**Ostmeyer, Ralph**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Federal and State Affairs	Chair	10:30 am	144-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Agriculture	Member	8:30 am Mon-Tues	159-S
Corrections and Juvenile Justice	Member	9:30 am	118-N
Natural Resources	Member	8:30 am Wed-Fri	159-S
Organization, Calendar and Rules	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	

**Petersen, Mike**

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

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

**Petty, Pat**

Democrat, District 6  
 Room 123-E  
 (785) 296-7375

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Corrections and Juvenile Justice	*R.M. Member	9:30 am	118-N
Transportation	*R.M. Member	8:30 am Tues-Fri	546-S
Education	Member	1:30 pm	144-S
Judiciary	Member	10:30 am	346-S
Kansas Security (Joint)	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	

**Pilcher-Cook, Mary**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Natural Resources	Chair	8:30 am Wed-Fri	159-S
Agriculture	Member	8:30 am Mon-Tues	159-S
Assessment and Taxation	Member	9:30 am	548-S
State Building Construction (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S
Ways and Means	Member	10:30 am	548-S

**Pyle, Dennis**

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

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

**Schmidt, Vicki**

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

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

**Smith, Greg A.**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Corrections and Juvenile Justice	Chair	9:30 am	118-N
Judiciary	Vice Chair	10:30 am	346-S
Kansas Security (Joint)	Vice Chair	On Call	
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Natural Resources	Member	8:30 am Wed-Fri	159-S
Special Committee on Judiciary (Joint)	On Call		
Telecommunications Study (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

**Tyson, Caryn**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Assessment and Taxation	Vice Chair	9:30 am	548-S
Education	Member	1:30 pm	144-S
Natural Resources	Member	8:30 am Wed-Fri	159-S
Ways and Means	Member	10:30 am	548-S

**Wagle, Susan**

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

**President**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Interstate Cooperation	Chair	On Call	
Legislative Coordinating Council (Joint)	Chair	On Call	
Organization, Calendar and Rules	Chair	On Call	
Commerce	Vice Chair	8:30 am	548-S
Confirmation Oversight	Member	On Call	
Ethics and Elections	Member	9:30 am Wed-Thur	142-S

**Wilborn, Rick**

Republican, District 35  
 Room 541-E  
 (785) 296-7519

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Commerce	Member	8:30 am	548-S
Federal and State Affairs	Member	10:30 am	144-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Telecommunications Study Committee (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

**Wolf, Kay**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
State Building Construction (Joint)	Chair	On Call	
Transportation	Vice Chair	8:30 am Tues-Fri	546-S
Ethics and Elections	Member	9:30 am Wed-Thur	142-S
Federal and State Affairs	Member	10:30 am	144-S
Local Government	Member	9:30 am Mon-Tues	159-S
Telecommunications Study (Joint)	Member	On Call	

\*Ranking Minority Member





**Constitutional Provisions  
Governing  
the  
Kansas Legislature**



**State of Kansas**



# KANSAS CONSTITUTIONAL PROVISIONS CONCERNING LEGISLATIVE POWERS

## Article 2.—LEGISLATIVE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Rules  
of the  
Kansas Senate**



**State of Kansas**

**2013-2016**

**January 2015**



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RULES OF THE SENATE  
2013-2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The following shall be the other standing committees:

	Number of members
1. Agriculture.....	11
2. Assessment and Taxation.....	11
3. Commerce.....	11
4. Confirmation Oversight Committee.....	6
5. Corrections and Juvenile Justice.....	7
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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, whichever is earlier. Minutes shall show the action taken by the committee upon each bill or resolution considered and the amendments if any voted upon and the disposition of each, whether adopted or not. At the request of the author of a bill or resolution or any amendment to a bill or resolution, or on request of any member of the committee, the intent of the author shall be stated in the committee

minutes. At the conclusion of each legislative session, copies of all committee minutes shall be filed with the Director of Legislative Administrative Services.

**Rule 10. Vote in Senate Committee.** At the time of taking any action upon any bill or resolution, any member of a committee may demand a division of the vote and the chairperson shall be required to record the 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 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 reprimanded 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. No motion shall be in order during a roll call vote except as provided under Rule 34 for final action on bills and concurrent resolutions and except for a call of the Senate.

**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 adopted shall be recorded in the Journal. The action taken on all amendments, whether adopted or rejected, 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.

(4) A motion to amend a motion to amend a bill or resolution shall not be in order.

**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. The chairperson of the committee which recommends for confirmation a nomination or appointment may speak more than twice on the same day on the subject of the nomination or appointment. 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.

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



**State of Kansas**

**2015-2016**

**February 2015**



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JOINT RULES OF THE SENATE AND  
HOUSE OF REPRESENTATIVES  
2015-2016

**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 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; 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. Subject to any limitations imposed under the constitution of the state of Kansas, no more than a total of four additional bills or concurrent resolutions or parts of bills or concurrent resolutions in conference or bills or concurrent resolutions or parts of bills or concurrent resolutions which have passed 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 that reports of conference committees on any taxation bill are not subject to the limitation contained in this provision. 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 2, 2015, during the 2015 regular session and on February 1, 2016, during the 2016 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 11, 2015, during the 2015 regular session and on February 10, 2016, during the 2016 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 9, 2015, during the 2015 regular session and on February 8, 2016, during the 2016 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 13, 2015, during the 2015 regular session and on February 12, 2016, during the 2016 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 February 27, 2015, during the 2015 regular session and on February 26, 2016, during the 2016 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 25, 2015, during the 2015 regular session and March 23, 2016, during the 2016 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 3, 2015, during the 2015 regular session and after April 1, 2016, during the 2016 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

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PROCEEDINGS

OF THE

**Senate**

OF THE

KANSAS LEGISLATURE

TOPEKA, KANSAS

2015 REGULAR SESSION

January 12 through June 26, 2015

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COREY CARNAHAN, *Secretary of the Senate*

## EXPLANATION OF ABBREVIATIONS

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

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

## EXPLANATION OF PAGE NUMBERING

The Senate and House Journals are printed in separate volumes. Paging in both journals is consecutive 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 2015.

# Journal of the Senate

FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, January 12, 2015, 2:00 p.m.

In accordance with the provisions of the Constitution of the State of Kansas and by the virtue of her office as President of the Senate, President Susan Wagle declared the 2015 Senate to be in session.

President Wagle welcomed Father Don Davidson, who will again serve as the Senate Chaplain. He delivered the following invocation:

Almighty and Creator God, bless this chamber and all who labor herein as a new session begins this day. Help us to know that the eyes of Kansas are upon the work done here and the words said here. From the people of the land and the people of our cities, from industry and shops, from farms and diners, the people are watching. Help our legislators, oh God, not to be tempted by the scripts of the past, but seek inspiration from you by reaching into their hearts and relying on your gifts of compassion, honesty and forbearance as they meet in the days ahead. Help our legislators, oh God, not to be tempted to do the easy when the difficult is the better, not to be seduced into action without reason or decision without understanding. Keep them safe, dear God, and grant them the grace to listen and the wisdom for each and every hour. We pray this day in the wonder of your love and the holiness of your Name. Amen

The Pledge of Allegiance was led by President Wagle.

President Wagle introduced the new Reading Clerk, Kendall Kaut, who is a second year student at the University of Kansas School of Law.

## COMMUNICATIONS FROM STATE OFFICERS

STATE OF KANSAS  
SECRETARY OF STATE

I, KRIS W. KOBACH, Secretary of State, do hereby certify that the following persons were elected members of the Senate of the State of Kansas for the remainder of the unexpired four-year term ending on the second Monday of January in the Year of Our Lord two thousand and seventeen.

District 35	Richard Wilborn
District 37	Molly Baumgardner

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed my official seal this first day of December in the Year of Our Lord two thousand and fourteen.

KRIS KOBACH  
*Secretary of State*

President Wagle requested Senators Bruce and Lynn to escort Senators Baumgardner and Wilborn to the front of the Senate. The President introduced the Honorable Marla Luckert, Justice of the Kansas Supreme Court, who administered the Oath of Office to newly elected Senators Molly Baumgardner and Richard Wilborn.

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

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

District 35	Richard Wilborn
District 37	Molly Baumgardner

Subscribed and Sworn to, or affirmed, before me this 12<sup>th</sup> day of January, 2015.

MARLA LUCKERT  
*Justice of the Supreme Court*

Senator Wilborn introduced his wife, Ann, and other guests present.  
Both Senator Baumgardner and Senator Wilborn were honored with a standing ovation.

The roll was called with 39 senators present.  
Senator Ostmeyer was excused.

**District**

- Dennis Pyle
- Marci Francisco
- Tom Holland
- David Haley
- Steve Fitzgerald
- Pat Pettey
- Kay Wolf
- Jim Denning
- Julia Lynn
- Mary Pilcher-Cook
- Jeff Melcher
- Caryn Tyson
- Jacob LaTurner
- Forrest J. Knox
- Jeff King
- Ty Masterson
- Jeff Longbine

**District**

- Greg A. Smith
- Tom Hawk
- Rob Olson
- Tom Arpke
- Michael O'Donnell
- Dan Kerschen
- Leslie D. "Les" Donovan, Sr.
- Mike Petersen
- Oletha Faust-Goudeau
- Susan Wagle
- Carolyn McGinn
- Steve E. Abrams
- Mitch Holmes
- Terry Bruce
- Rick Wilborn
- Elaine S. Bowers
- Molly Baumgardner

- |                      |                     |
|----------------------|---------------------|
| 18. Laura Kelly      | 38. Garrett Love    |
| 19. Anthony Hensley  | 39. Larry R. Powell |
| 20. Vicki L. Schmidt | 40. Ralph Ostmeyer  |

### INTRODUCTION

Senator Wagle introduced Dr. Douglas Gruenbacher, 67th President of the Kansas Academy of Physicians. Dr. Gruenbacher is a partner at Bluestem Medical and is a staff physician at Gove County Medical Center. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the Capitol during the legislative session.

### 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,  
Charles (Nick) Nicolay, sergeant at arms,  
and awaits the pleasure of the House of Representatives.

On emergency motion of Senator Bruce **SR 1701** was adopted by voice vote.

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:* The members of the 2015 regular session shall occupy the same seats assigned pursuant to 2014 Senate Resolution No. 1827 with the following exceptions: Senator Abrams, seat no. 29, Senator Arpke, seat no. 19, Senator Baumgardner, seat no. 4, Senator Tyson, seat no. 23, Senator Wilborn, seat no. 16.

On emergency motion of Senator Bruce **SR 1702** was adopted by voice vote.

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

SENATE RESOLUTION No. 1703—

A RESOLUTION relating to the rules of the Senate for 2013-2016;  
amending Rules 7, 34, 40, 44 and 56.

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

**Rule 7. Standing Committees.** There shall be a standing committee named the Committee on Organization, Calendar and Rules which shall consist of 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. <i>Corrections and Juvenile Justice</i> .....	7
<del>5</del> : 6. Education.....	11
<del>6</del> : 7. Ethics and Elections.....	9
<del>7</del> : 8. Federal and State Affairs.....	9
<del>8</del> : 9. Financial Institutions and Insurance.....	9
<del>9</del> : 10. Interstate Cooperation.....	7
<del>10</del> : 11. Judiciary.....	11
<del>11</del> : 12. Local Government.....	9
<del>12</del> : 13. Natural Resources.....	11
<del>13</del> : 14. Public Health and Welfare.....	9
<del>14</del> : 15. Transportation.....	9
<del>15</del> : 16. Utilities.....	11
<del>16</del> : 17. 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.

*Be it further resolved:* That Rule 34 be amended to read as follows:

**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.

*Be it further resolved:* That Rule 40 be amended to read as follows:

**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. *No motion shall be in order during a roll call vote except as provided under Rule 34 for final action on bills and concurrent resolutions and except for a call of the Senate.*

*Be it further resolved:* That Rule 44 be amended to read as follows:

**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, adopted shall be recorded in the Journal. *The action*

taken on all amendments, whether adopted or rejected, 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.

(4) *A motion to amend a motion to amend a bill or resolution shall not be in order.*

*Be it further resolved:* That Rule 56 be amended to read as follows:

**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. *The chairperson of the committee which recommends for confirmation a nomination or appointment may speak more than twice on the same day on the subject of the nomination or appointment.* 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.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 1**, AN ACT concerning crimes, punishment and criminal procedure; relating to hate crimes; sentencing; reporting requirements; amending K.S.A. 2014 Supp. 21-6804 and 21-6815 and repealing the existing sections, by Senator Haley.

**SB 2**, AN ACT concerning school districts; relating to teacher contracts, by Senator LaTurner.

**SB 3**, AN ACT concerning the unemployment security law; relating to unemployment benefits for privately contracted school bus drivers; amending K.S.A. 2014 Supp. 44-706 and repealing the existing section, by Senator Faust-Goudeau.

**SB 4**, AN ACT concerning the office of information technology services; relating to separate agency status for budgetary purposes, by Legislative Post Audit Committee.

**SB 5**, AN ACT designating a portion of U.S. 69 as the 2nd Lieutenant Justin L Sisson memorial highway, by Senator Melcher.

**SB 6**, AN ACT concerning the division of post audit; relating to background checks; amending K.S.A. 2014 Supp. 46-1103 and repealing the existing section, by Legislative Post Audit Committee.

**SB 7**, 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 Legislative Post Audit Committee.

**SB 8**, AN ACT repealing K.S.A. 2014 Supp. 46-1130 and 46-1132; concerning school district performance audits, by Legislative Post Audit Committee.

**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 municipalities; dealing with filling vacancies in governing bodies; amending K.S.A. 12-344 and K.S.A. 2014 Supp. 12-363 and repealing the existing sections, by Senator Haley.

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

SENATE CONCURRENT RESOLUTION No. 1601—

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 1601** was adopted by voice vote.

President Wagle appointed Senators Abrams and Pettey to inform the Governor.

**MESSAGES FROM THE GOVERNOR**

August 7, 2015

*To the Senate of the State of Kansas:*

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

SAM BROWNBACK  
Governor

*Secretary, Kansas Department for Aging and Disability Services, Kari Bruffett (R), Lawrence, pursuant to the authority vested in me by K.S.A. 75-5903 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed Shawn Sullivan.*

*Executive Director, Kansas Commission on Veterans Affairs Office, Gregg Burden (R), Topeka, pursuant to the authority vested in me by **Sub HB 2681** effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed himself.*

*Administrator, Department of Credit Unions, Jerel Wright (R), Meriden, pursuant to the authority vested in me by K.S.A. 17-2233 effective upon the date of confirmation by the Senate, to serve a four year term, to expire December 31, 2017, to succeed John Smith.*

*Regent, Kansas Board of Regents, Zoe Newton (R), Sedan, pursuant to the authority vested in me by K.S.A. 74-3202a effective upon the date of confirmation by the Senate, to serve a four year term to expire June 30, 2018, to succeed Dr. Mildred Edwards.*

*Regent, Kansas Board of Regents, Joseph Bain (U), Goodland, pursuant to the authority vested in me by K.S.A. 74-3202a effective upon the date of confirmation by the Senate, to serve a four year term, to expire June 30, 2018, to succeed Timothy Emert.*

*Regent, Kansas Board of Regents, William Feuerborn (D), Garnett, pursuant to the authority vested in me by K.S.A. 74-3202a effective upon the date of confirmation by the Senate, to serve a four year term, to expire June 30, 2018, to succeed A.E. McKechnie.*

*Member, Employment Security Board of Review, Ryann Waller (D), Lawrence, pursuant to the authority vested in me by K.S.A. 44-709 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2018, to succeed Lori MacDonald.*

*Member, Kansas Lottery Commission, Jeffry Scharping (R), Wichita, pursuant to the authority vested in me by K.S.A. 74-8709 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2018, to succeed Ricky Cox.*

*Member, University of Kansas Hospital Authority, Elizabeth King (R), Wichita, pursuant to the authority vested in me by K.S.A. 76-3304 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2018 to succeed herself.*

*Member, Racing and Gaming Commission, Laura McConwell (R), Mission, pursuant to the authority vested in me by K.S.A. 74-8803 effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2015, to succeed Jay Shadwick.*

*Alternate Member, Central Interstate Low-Level Radioactive Waste Commission, Richard Brunetti (D), Topeka, pursuant to the authority vested in me by K.S.A. 65-34a02 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed John Mitchell.*

*Member, Pooled Money Investment Board, Casey Lair (R), Neodesha, pursuant to the authority vested in me by K.S.A. 75-4221a effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2018, to succeed Rob Chestnut.*

*Member, Pooled Money Investment Board, Lewis Levin (D), Kansas City, pursuant to the authority vested in me by K.S.A. 75-4221a effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2018, to succeed John Lehman.*

*Member, State Banking Board, Frank Carson III (R), Mulvane, pursuant to the authority vested in me by K.S.A. 74-3004 effective upon the date of confirmation by the Senate, to serve a three year term, to expire March 15, 2016, to succeed Larry Williams.*

*Member, State Banking Board, Linda Wessel (D), Council Grove, pursuant to the authority vested in by K.S.A. 74-3004 effective upon the date of confirmation by the Senate, to serve a three year term, to expire March 15, 2015, to succeed Richard Fish.*

*Member, State Banking Board, Jeffrey Whitham (R), Garden City, pursuant to the authority vested in me by K.S.A. 74-3004 effective upon the date of confirmation by the Senate, to serve a three year term, to expire March 15, 2017, to succeed himself.*

*Member, State Banking Board, Thomas Pitner (D), Hays, pursuant to the authority vested in me by K.S.A. 74-3004 effective upon the date of confirmation by the Senate, to serve a three year term, to expire March 15, 2017, to succeed himself.*

*Member, State Banking Board, Neal Bernauer (D), Fredonia, pursuant to the authority vested in me by K.S.A. 74-3004 effective upon the date of confirmation by the Senate, to serve a three year term, to expire March 15, 2017, to succeed himself.*

## **COMMUNICATIONS FROM STATE OFFICERS**

January 12, 2015

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

Dear President Wagle:

This letter is to advise you that of the Office of the Secretary of the Senate received the following communications during the interim since adjournment of the 2014 Session of the Legislature:

The Kansas Public Employees Retirement System submitted its annual financial report.

The Kansas Public Employees Retirement System submitted its annual report regarding KPERS investments in Sudan.

The Kansas Bureau of Investigation and Kansas Highway Patrol submitted their annual report regarding the status of state forfeiture funds.

The Kansas Department of Corrections submitted a copy of the annual report of the Advisory Group on Juvenile Justice and Delinquency Prevention.

The Kansas Department of Wildlife, Parks, and Tourism submitted its annual Land Acquisition and Lease Renewal Report.

The Office of the Attorney General submitted its annual report relating to the Kansas Personal and Family Protection Act.

The Kansas Department of Health and Environment submitted its report on 2014 Inspections and Recommendations for State Children's Institutions.

The Kansas Department of Labor submitted its report on a Kansas job safety and health programs "State Plan."

The Pooled Money Investment Board submitted its 2014 annual report.

The Kansas Corporation Commission submitted the 2015 Abandoned and Gas Well Statue Report and the 2015 Remediation Site Status Report.

Sincerely,

COREY CARNAHAN  
*Secretary of the Senate*

January 12, 2015

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

Dear President Wagle:

As provided in KSA 75-105, I have received from the Honorable Sam Brownback, Governor of the State of Kansas, since the adjournment of the 2014 session of the legislature the following communications:

Executive Directive No. 14-452, relating to the Kansas Civil Service Pay Plan.

Executive Directives Nos. 14-453 through 14-456, 14-458, and 14-459 through 14-461; Authorizing Expenditure of Federal Funds and Authorizing Funds.

Executive Directive No. 14-457, authorizing personnel transactions.

Executive Order 14-05, for governor's reward.

Executive Order 14-06, policy and procedures applicable to the work-related use of mobile devices.

Sincerely,

COREY CARNAHAN  
*Secretary of the Senate*

January 9, 2015

Secretary of the Senate  
Corey Carnahan

Re: Senate Select Committee on KPERS

I have appointed the following members to the Senate Select Committee on KPERS; Senator King (Chair), Longbine (Vice-Chair), Hensley (Ranking Minority Member), Bowers, Denning, Holmes, Kelly, Knox and Masterson.

SUSAN WAGLE, President  
*Kansas Senate*

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

### **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:

Central Interstate Low-Level Radioactive Waste Commission, Alternative Member:  
K.S.A. 65-34a02

Richard Brunetti, to serve at the pleasure of the Governor  
Crime Victims Compensation Board: K.S.A. 74-7303

Thomas Williams, to fill a term expiring on March 15, 2018  
Employment Security Board of Review: K.S.A. 44-709

Ryann Waller, to fill a term expiring on March 15, 2018  
Kansas Bioscience Authority: K.S.A. 2014 Supp. 74-99b04

David Murfin, to fill a term expiring on March 15, 2015  
Kansas Board of Regents: K.S.A. 74-3202a

Joseph Bain, to fill a term expiring on June 30, 2018  
Kansas Board of Regents: K.S.A. 74-3202a

Bill Feuerborn, to fill a term expiring on June 30, 2018  
Kansas Board of Regents: K.S.A. 74-3202a

Zoe Newton, to fill a term expiring on June 30, 2018  
Kansas Commission on Veterans Affairs Office: K.S.A. 2014 Supp. 73-1208

Gregg Burden, to serve at the pleasure of the Governor  
Kansas Department for Aging and Disability Services, Secretary: K.S.A. 75-5903

Kari Bruffett, to serve at the pleasure of the Governor  
Kansas Lottery Commission: K.S.A. 74-8709

Jeffrey Scharping, to fill a term expiring on March 15, 2018  
Kansas Racing and Gaming Commission: K.S.A. 74-8803

Laura McConwell, to fill a term expiring on January 15, 2015  
Pooled Money Investment Board: K.S.A. 75-4221a

Casey Lair, to fill a term expiring on March 15, 2016  
Pooled Money Investment Board: K.S.A. 75-4221a

Lewis Levin, to fill a term expiring on March 15, 2018  
State Banking Board: K.S.A. 74-3004

Neal Bernauer, to fill a term expiring on March 15, 2017  
State Banking Board: K.S.A. 74-3004

Thomas Pitner, to fill a term expiring on March 15, 2017  
State Banking Board: K.S.A. 74-3004

Frank Carson III, to fill a term expiring on March 15, 2016  
State Banking Board: K.S.A. 74-3004

Linda Wessel, to fill a term expiring on March 15, 2015

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

Jeffrey Whitham, to fill a term expiring on March 15, 2017

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

Dr. Elizabeth King, to fill a term expiring on March 15, 2018

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, January 13, 2015.

# Journal of the Senate

## SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, January 13, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 39 senators present.  
Senator Ostmeyer was excused.

Invocation by Father Don Davidson:

Father in heaven, we pray this day for all those who have suffered violence in our neighborhoods, streets and the cities of the world. We pray for peace among all people, and we pray that you may open our minds to new and creative ways to solve problems rather than resorting to destruction. We pray for our law enforcement officers who do everything within their power to protect us. We pray also for the families who have been torn apart by violence, both the giving and the receiving. Bring to our eyes the light necessary to see your peace in our complex world and be with those who have committed themselves to the sharing and the living of that peace. We pray in the name of the God of Love. Amen

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

### INTRODUCTION

Vice President King introduced two new doormen, Oscar Eastman and Sean Dolton, and also Don Cackler, who will again be representing the Kansas Highway Patrol in the Senate.

### POINT OF PERSONAL PRIVILEGE

Senator Hensley rose on a point of personal privilege to recognize Joe Hefner who had served as a doorman in the Senate for over 30 years. Joe passed away in late December, 2014.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 11**, AN ACT concerning regulated scrap metal; relating to the crime of theft; sentencing; evidence at preliminary examination; regulation of scrap metal dealers; unlawful acts; penalties; amending K.S.A. 2014 Supp. 21-5804, 21-5813, 21-6604, 50-6,109, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b and 50-6,112c and repealing the existing sections; also repealing K.S.A. 2014 Supp. 21-6604c and 50-6,112, by Senators Petersen, King, McGinn and O'Donnell.

**SB 12**, AN ACT concerning crimes and punishment; relating to battery; amending K.S.A. 2014 Supp. 21-5413 and repealing the existing section, by Committee on Judiciary.

**SB 13**, AN ACT concerning criminal history record information; definitions; amending K.S.A. 2014 Supp. 22-4701 and repealing the existing section, by Committee on Judiciary.

**SB 14**, AN ACT concerning the disposition of district court fines, penalties and forfeitures; relating to the criminal justice information system line fund; amending K.S.A. 2014 Supp. 74-7336 and repealing the existing section, by Committee on Judiciary.

**SB 15**, AN ACT concerning civil procedure; relating to dispositive motions; amending K.S.A. 2014 Supp. 60-256 and repealing the existing section, by Committee on Judiciary.

**SB 16**, AN ACT concerning insurance; relating to attorney fees in certain actions; amending K.S.A. 40-908 and repealing the existing section, by Committee on Judiciary.

**SB 17**, AN ACT concerning the judicial council; relating to membership; amending K.S.A. 20-2201 and repealing the existing section, by Committee on Judiciary.

**SB 18**, AN ACT enacting the police and citizen protection act; relating to use of body cameras by law enforcement officers, by Committee on Judiciary.

**SB 19**, AN ACT concerning administrative procedure; relating to the Kansas administrative procedure act; Kansas judicial review act; amending K.S.A. 77-502, 77-545, 77-546, 77-548 and 77-613 and K.S.A. 2014 Supp. 77-519, 77-521 and 77-531 and repealing the existing sections, by Committee on Judiciary.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 3**.

Corrections and Juvenile Justice: **SB 1**.

Education: **SB 2**, **SB 8**.

Ethics and Elections: **SB 10**.

Federal and State Affairs: **SB 6**.

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

Transportation: **SB 5**.

Ways and Means: **SB 4**, **SB 7**.

## COMMUNICATIONS FROM STATE OFFICERS

### OFFICE OF THE ATTORNEY GENERAL

January 12, 2015

Kansas Attorney General Derek Schmidt submitted the fiscal year 2014 annual report of the Abuse, Neglect and Exploitation Unit.

### KANSAS DEPARTMENT OF CORRECTIONS

January 12, 2015

Secretary of Corrections Ray Roberts submitted the annual report of Crimes Committed by Sex Offenders While in Custody.

KANSAS BOARD OF PHARMACY  
January 12, 2015

Executive Secretary Debra Billingsly submitted the annual report on Proposed Controlled Substances for Scheduling, Rescheduling or Deletion.

KANSAS ELECTRIC TRANSMISSION AUTHORITY  
January 12, 2015

Chairman Ernest Lehman submitted the annual report of The Kansas Electric Transmission Authority (KETA).

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

**MESSAGE FROM THE HOUSE**

Announcing adoption of **SCR 1601**, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2015 session of the Legislature is duly organized and ready to receive communication. Representatives Dove, Hawkins and Wilson are appointed as House members of the committee.

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  
Tom Burroughs, Minority Leader  
Susan Kannarr, Chief Clerk  
Foster Chisholm, 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. The following escorts are appointed for the State of the State:

To escort the Governor: Reps. Roades, Concannon and Wolfe Moore  
To escort the Lt. Governor: Reps. Jim Kelly, Schwartz and Houston  
To escort the Supreme Court: Reps. Highland, Lunn and Carmichael  
To escort the Senate: Reps. Corbet, Couture-Lovelady and Lusk

Upon reading of the House message, and on motion of Senator Bruce, an emergency was declared, the rules suspended and **HCR 5001** was adopted by voice vote.

The Vice President appointed Senators Masterson and Hawk to escort the Governor; Senators Pilcher-Cook and Haley to escort the Lieutenant Governor; and Senators Knox and Kelly to escort the Supreme Court.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1704—

A RESOLUTION congratulating and commending  
the members of the 2015 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 2015 Kansas Teacher of the Year and finalists were honored at an awards banquet on November 22, 2014. 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 in partnership with the Voya Foundation and People to People Ambassador Programs; and

WHEREAS, The 2015 Kansas Teacher of the Year is Shannon Ralph, Dodge City USD 443, and the regional finalists are Beau T. Bragg, Bonner Springs-Edwardsville USD 204; Abby M. Hedrick, Paola USD 368; Jennifer Hofferber, Liberal USD 480; Lisa Holt, Winfield USD 465; Jamie McDaniel, Paola USD 368; Dennis Munk, Haysville USD 261; and Kimberly Nelson, Bonner Springs-Edwardsville USD 204. Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the members of the 2015 Kansas Teacher of the Year team and wish Mrs. Ralph success in the national competition.

On emergency motion of Senator Abrams **SR 1704** was adopted by voice vote.  
Senators honored the teachers with a standing ovation.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, January 14, 2015.

# Journal of the Senate

THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, January 14, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 39 senators present.  
Senator Ostmeyer was excused.  
Invocation by Father Don Davidson:

Almighty and life giving God, we pause today to remember our friend Joseph Hefner. A man of humility who saw the horror of WWII from a vantage point that few now can personally remember. Joseph worked hard all through his life and we are thankful for the days that he spent here, a helpful and guiding hand in this chamber. Today a Mass was celebrated in his honor and we too give thanks to you, Father, for Joe's life and his commitment to you, his family, his state, and his country. May we never forget those who have gone before us. 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 20**, AN ACT concerning crimes, punishment and criminal procedure; relating to burglary; amending K.S.A. 2014 Supp. 21-5807 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**SB 21**, AN ACT concerning motor vehicles; relating to commercial vehicles; motor carriers; regulation; amending K.S.A. 2014 Supp. 66-1,109 and 66-1,129 and repealing the existing sections, by Committee on Transportation.

**SB 22**, AN ACT concerning courts; relating to municipal court; amending K.S.A. 2014 Supp. 12-4516, 21-6614, 22-2410 and 22-3609 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 12-4516b and 21-6614e, by Committee on Judiciary.

**SB 23**, AN ACT concerning driving; relating to authorized restrictions of driving privileges; ignition interlock device; amending K.S.A. 2014 Supp. 8-1015 and repealing the existing section, by Committee on Judiciary.

**SB 24**, AN ACT concerning technical professions; amending K.S.A. 2014 Supp. 74-7003 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 25**, AN ACT concerning firearms transfers at gun shows; requiring background checks; establishing criminal penalties, by Committee on Federal and State Affairs.

**SB 26**, AN ACT concerning campaign finance; amending K.S.A. 2014 Supp. 25-4157a and repealing the existing section, by Committee on Ethics and Elections.

**SB 27**, AN ACT concerning candidates and lobbyists; relating to uses of campaign funds; concerning campaign finance disclosures; relating to certain lobbyist filings; amending K.S.A. 25-904, 25-4157, 25-4173 and 46-268 and K.S.A. 2014 Supp. 25-4157a and repealing the existing sections, by Committee on Ethics and Elections.

**SB 28**, AN ACT concerning lobbyists; regarding definitions; amending K.S.A. 46-222 and repealing the existing section, by Committee on Ethics and Elections.

### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Corrections and Juvenile Justice: **SB 12, SB 13, SB 18.**

Judiciary: **SB 11, SB 14, SB 15, SB 16, SB 17, SB 19.**

### **COMMUNICATIONS FROM STATE OFFICERS**

#### **DIVISION OF FISCAL AND ADMINISTRATIVE SERVICES**

January 12, 2015

Deputy Commissioner of Education Dale M. Dennis submitted the annual report for the Tax Credit for Low Income Student Scholarship Program.

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

### **FINAL ACTION ON BILLS AND RESOLUTIONS**

**SR 1703**, A RESOLUTION relating to the rules of the Senate for 2013-2016; amending Rules 7, 34, 40, 44 and 56, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Fitzgerald, Holland, Pyle.

Absent or Not Voting: Ostmeyer.

The resolution was adopted.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, January 15, 2015.

# Journal of the Senate

## FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 15, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 39 senators present.  
Senator Ostmeyer was excused.  
Invocation by Father Don Davidson:

Holy God, in all the things that we have to do in our full days, help us to remember those who are most important to us. The simplest of greetings, a nice word, maybe an embrace, can say more than beautiful poetry and generous prose. The busier we become the more we may be inclined to put aside those whose lives are most intertwined with our own. So today, Lord, grant us the patience to stop, thank and care about the loved ones in our lives. In your mighty name we pray. 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 share remarks in remembrance of Doctor Martin Luther King, Jr.:

Madame President and Gentle Colleagues of the Kansas Senate:

First, again I sincerely Thank You for allowing this annual exhortation of the Doctor Martin Luther King, Junior, Holiday, to be spread upon the Journal. After twenty-one times now, I appreciate that some may understandably be weary of a theme whose mantra is alien and distant; especially those of you in this Chamber who might even find it, and its true meaning, irrelevant. So cognizant of that, I'll be brief.

Wherever you happen to fall between stark political lines that we call our great democracy, here we have the Holiday bearing the name of but one American who wanted to insure that justice and equal access to 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 culture or one sexual orientation or gender or of one religion or political persuasion ... but that the beauty and bounty of being American should belong to ALL Americans ... each five-fifths a human ... irrespective of other pre-existing or adopted conditions that might repress or divide us.

Now honestly, I personally don't go out to the movies often. But, breaking tradition last week, I cajoled my nineteen-year-old daughter Mariah and her boyfriend Shawn to join me at the opening of the movie "SELMA"; which, upon further reflection, was a troubling mistake. I knew our children have little idea of virulent segregation and of blatant discrimination as an acceptable and constant way of life in our country. And

that, too often, their “take-away” from the way that “we were” as a society is a “that was then, but this is now” misperception. In short, when exposed to obvious yesteryear divisions, they are lulled into a potentially false sense of complacency of the world condition towards equality today.

Further realizing my mistake, after the movie, I realized how comfortable I too had become in accepting and not working harder to bridge the still all too prevalent chasm between Americans. What about you, Madame President? What about you, Gentle Colleagues? Can we at least too sadly agree that national events of 2014 from social and political unrest and discord have unified some of different hues but fragmented and further polarized others? THIS ... is an APOLITICAL observation. I am not here today to *JUDGE* ... only, most optimistically ... to *BUDGE*!

So, SELMA was not an entertaining movie for me. As it turned out, I paid good money to be troubled; over and over again since. In closing, it is obvious that 50 years later, the people of the United States of America may be as polarized along stupid dividing lines in as many ways now than ever before.

But, my hope, in these moments as we approach this uniquely American Holiday, symbolic of a healing and unifying spirit of enduring ascension is simply this ... my children and yours will not just hear our words of unity but see our actions practice the same. That our neighbors and fellow congregants and constituents will find noble a healthy and even worthy division of ideas and opinions that have nothing to do with religion or race or gender or age or income or creed of whom might hold a differing view.

Madame President, Senate Colleagues ... the powerful imagery of crossing the Edmund Pettis bridge in Alabama towards voting rights and inclusion is as relevant today in the bridges of access and of income and of freedom to assemble ... “equalities” our great country has yet to completely cross. That’s a walk my plea to each of you is for all of us to share. We are a courageous, diverse and resourceful nation, aren’t we? And United, our walk can be illustrated every day. It is the courage of a 7-year-old girl who, as a sole survivor of a small plane crash, courageously picked her way through brush and bramble and muck through the night; much like we must still muster courage through the darkness of hate and prejudice and discrimination, to find the safety and solace of light, warmth, societal inclusion. Dr. King once spoke of such determination saying: “Faith is taking that first step even when you can’t see the entire staircase.”

Now, as for the rest who cannot or who simply will not, I leave the refrain of a timeless song: “Go ahead and hate your neighbor, Go ahead and cheat a friend, Do it in the name of Heaven, You can justify it in the End, There won’t be any trumpets blowing, Come your judgment day, On the bloody morning after...one tin soldier rides away.”

Either way, I bid each of you a safe and reflective, Dr. King Holiday weekend.

## **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 29**, AN ACT concerning sales taxation; relating to the community improvement district sales tax administration fund; amending K.S.A. 2014 Supp. 12-6a31 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 30**, AN ACT concerning taxation; relating to mineral severance tax; filing of returns by electronic means; waiver by director of taxation; amending K.S.A. 2014 Supp. 79-4221 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 31**, AN ACT concerning taxation; relating to permitted use of tax information; tax liens upon personal property; warrants; time for returns and payment of tax; liability for persons responsible for collection of sales or compensating tax; amending K.S.A. 2014 Supp. 75-5133, 79-3234, 79-3235, 79-3235a, 79-3607, 79-3617, 79-3643 and 79-41a03 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 79-3235b, by Committee on Assessment and Taxation.

**SB 32**, AN ACT concerning education; creating the efficient operation of schools task force; relating to annual audits of school districts; relating to audits of the state department of education; amending K.S.A. 2014 Supp. 46-1226 and repealing the existing section; also repealing K.S.A. 2014 Supp. 46-1130, 46-1132 and 46-1133, by Committee on Education.

**SB 33**, AN ACT concerning education; creating the Kansas education standards study commission, by Committee on Education.

**SB 34**, AN ACT concerning elections; relating to voting; penalties for voting crimes; prosecution of election crimes; amending K.S.A. 25-2409, 25-2416, 25-2423 and 25-2431 and K.S.A. 2014 Supp. 25-1128 and 25-2507 and repealing the existing sections, by Committee on Judiciary.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Corrections and Juvenile Justice: **SB 20**.

Ethics and Elections: **SB 26, SB 27, SB 28**.

Federal and State Affairs: **SB 24, SB 25**.

Judiciary: **SB 22, SB 23**.

Transportation: **SB 21**.

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Faust-Goudeau introduced the following Senate resolution, which was read:  
SENATE RESOLUTION No. 1705—

A RESOLUTION commemorating the 50<sup>th</sup> Anniversary of the 1965 Piatt Street plane crash, the worst aviation military disaster in Kansas history.

WHEREAS, January 16, 2015 marks the 50<sup>th</sup> anniversary of the 1965 Piatt Street plane crash, an event that devastated the city of Wichita. On the 50<sup>th</sup> anniversary of this tragedy, all Wichitans and citizens of Kansas pause to remember and honor the lives of those who died; and

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

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

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

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

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

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

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

WHEREAS, The Piatt Memorial Park Project Committee members include: Chair, Senator Oletha Faust-Goudeau; Vice Chair, Dr. Carla Lee; Secretary, John Polson; Treasurer, Inga Taylor; Survivor, Sonya House; Honorary Member, Captain Kelly Bolen, Tanker/Refueling Unit, MAFB; and members, James Arbertha and Jamil Moody; and

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

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

WHEREAS, A website was designed by Colonel Duncan of the Commemorative Air [www.duncanwebsiteservices.com/piattmemorial/index.htm](http://www.duncanwebsiteservices.com/piattmemorial/index.htm); and

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

*Be it resolved by the Senate of the State of Kansas:* That we commemorate and remember January 16, 2015, as the 50<sup>th</sup> anniversary of this tragic event and honor those who perished; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Oletha Faust-Goudeau, Sharon Dale, Tracy Lempe, Leslie Steele, Chandra McCormick, Clyde Stevens, Hosea Davis, Chris Widseth, Claude Daniels, Leo Rogers, Mark Foster and Denise Foster.

On emergency motion of Senator Faust-Goudeau **SR 1705** was adopted by voice vote.

#### **REPORT ON ENROLLED BILLS**

**SCR 1601** reported correctly enrolled, properly signed and presented to the Secretary of State on January 15, 2015.

**SR 1701, SR 1702, SR 1704** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 15, 2015.

On motion of Senator Bruce, the Senate recessed until 5:45 p.m.

On motion of Senator Bruce, the Senate adjourned pro forma until 8:00 a.m., January 16, 2015.

# Journal of the Senate

FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, January 16, 2015, 8:00 a.m.

The Senate was called to order pro forma by Senator Arpke.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 35**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2014 Supp. 74-4914d, 74-4920, 74-50,107 and 74-99b34 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 74-99b34a, 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 29**, **SB 30**, **SB 31**.

Education: **SB 32**, **SB 33**.

Judiciary: **SB 34**.

## COMMUNICATIONS FROM STATE OFFICERS

KANSAS WATER AUTHORITY

January 15, 2015

Kelly Freed submitted the 2015 Kansas Water Authority Annual Report.

KANSAS DEPARTMENT OF CORRECTIONS

January 15, 2015

Secretary of Corrections Ray Roberts submitted the Cost Study of Youth Residential Centers for Juvenile Offenders.

KANSAS DEVELOPMENT FINANCE AUTHORITY

January 14, 2015

President Tim Shallenburger submitted the Annual Financial Report.

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

### **TRIBUTES**

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of January 12 through January 16, 2015:

Senator Bowers: congratulating Erika Nelson on receiving the Community Partner Award; congratulating U.S. Bureau of Reclamation staff in Kansas on 50 years of dedicated service; recognizing Steve Baccus on his retirement from Kansas Farm Bureau and his dedication to Kansas Agriculture; congratulating Lynette Voorhees on her graduation from the Kansas Farm Bureau Masters Program; congratulating Milan Masters on receiving the Natoma Lions Club Good Citizen Award; congratulating Laah Tucker on receiving a Kansas American Legion Auxiliary Award;

Senator Faust-Goudeau: remembering the 50th Anniversary of the Piatt Street plane crash; congratulating Larry Hatteberg on his retirement; and

Senator Haley: congratulating Ann Jarrett on her 106th birthday.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, January 20, 2015.

# Journal of the Senate

SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, January 20, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 38 senators present.  
Senators Ostmeyer and Wolf were excused.  
Invocation by Father Don Davidson:

Dear Lord, yesterday we celebrated the life of your beloved son, Martin Luther King Jr., who once said from the Birmingham Jail that “Injustice anywhere is a threat to justice everywhere.” Dr. King’s influence grows with each passing year as we discover the atrocities that lead to civil rights legislation across our land. There can be no hope unless there is hope for every child in your heart without label or stereotype. Our nation lives out its creed by the way we practice what Dr. King taught. Bless us, dear Lord, with the working out of his dream. In your name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 36**, AN ACT concerning water; relating to multi-year flex accounts; amending K.S.A. 2014 Supp. 82a-708c and 82a-736 and repealing the existing sections, by Committee on Natural Resources.

**SB 37**, AN ACT concerning children and minors; enacting the Kansas foster parents’ bill of rights act; relating to the revised Kansas code for care of children; amending K.S.A. 2014 Supp. 38-2212, 38-2255, 38-2258 and 38-2270 and repealing the existing sections, by 2014 Special Committee on Judiciary.

**SB 38**, AN ACT concerning patent infringement; relating to bad faith assertions of patent infringement, by 2014 Special Committee on Judiciary.

**SB 39**, AN ACT relating to the powers, duties and functions transferred to the Kansas department for aging and disability services from the Kansas department for children and families and the department of health and environment; updating references and corresponding changes due to the Executive Reorganization Order No. 41, published in chapter 185 of the 2012 Session Laws of Kansas; amending K.S.A. 75-5308d, 75-5309, 75-5364, 76-157, 76-158 and 76-12a24 and K.S.A. 2014 Supp. 8-2,144, 8-1025, 21-5909, 36-502, 38-2006, 38-2212, 39-1702, 40-4702, 59-29a24, 65-689, 65-6233, 75-7d01, 75-5321a, 75-6524 and 75-7033 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 40**, AN ACT enacting the massage therapist licensure act; providing for powers, duties and functions of the state board of nursing; amending K.S.A. 2014 Supp. 74-1112 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 41**, AN ACT concerning elections; dealing with the uniformed and overseas citizens absentee voting act; amending K.S.A. 25-1214 and K.S.A. 2014 Supp. 25-1216 and repealing the existing sections, by Committee on Ethics and Elections.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was referred to Committee as indicated:

Ways and Means: **SB 35**.

#### **MESSAGE FROM THE GOVERNOR**

January 16, 2015

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 43 to both houses of the Kansas Legislature. Simultaneous with this Order, I am transmitting the accompanying Governor's Message.

This reorganization affects operations at the Kansas Department of Health and Environment and the Kansas Department for Children and Families.

Beginning July 1, 2015 the Department for Children and Families will assume foster care licensing responsibilities that currently fall under KDHE. DCF is responsible for child welfare services in Kansas. Placing that responsibility under DCF will help streamline the process and further the agency's ability to monitor the entire foster care system and serve those in need.

This Executive Reorganization Order also transfers Medicaid eligibility processing duties from DCF to KDHE on January 1, 2016. KDHE is the State Medicaid agency and currently has employees in the Division of Health Care Finance with knowledge and expertise in Medicaid eligibility. Combining the current KDHE and DCF work groups that manage Medicaid eligibility will improve service by reducing the Kansas Medicaid Payment Error Rate Measurement by coordinating staff training and ensuring uniform implementation of policy and processing changes.

This will be a positive change for both agencies and the State of Kansas. The reorganization will allow DCF to better monitor the entire foster care system. It will also enhance the coordination between when a client applies for Medicaid, is determined eligible and receives medical services.

My administration looks forward to working with the Kansas Legislature on this and other solutions to provide better service to the citizens of Kansas.

SAM BROWNBACK  
*Governor*

#### **EXECUTIVE REORGANIZATION ORDER No. 43**

Section 1. (a) The department of health and environment was established by K.S.A. 75-5601 et seq.

(b) Within the department of health and environment there are three divisions:

division of public health, the division of environment and the division of health care finance.

(c) Within the division of public health there are various bureaus and programs which carry out and administer the multiple functions of the department.

(d) Included among those bureaus of the division of public health is the bureau of family health. Within the bureau of family health there is the child placing agency and residential programs section. Among other functions, this bureau licenses and regulates foster care and other residential facilities.

(e) The department for children and families was established by K.S.A. 75-5301 et seq.

(f) Within the department for children and families there is an economic and employment services section that, among other functions, determines eligibility for services under Title XIX of the Social Security Act, known as Medicaid and eligibility for services for state funded medical services.

(g) Except as otherwise provided by this order, beginning January 1, 2016 all the powers, duties and functions of the department for children and families, economic and employment services section that, among other functions, determines eligibility for services under Title XIX of the Social Security Act, known as Medicaid and eligibility for services for state funded medical services are hereby transferred to and imposed upon the department for health and environment and the secretary of the department of health and environment.

(h) Except as otherwise provided by this order, beginning July 1, 2015 all the powers, duties and functions of the department of health and environment, division of public health section for child placing agencies and residential facilities which, among other things, licenses and regulates foster care and other residential facilities are hereby transferred to and imposed upon the Kansas department for children and families and the secretary of the department for children and families.

(i) The department for children and families shall be the successor in every way to the powers, duties and functions of the bureau of family health, child placing agency and residential programs section in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such transferred power, duties and functions by or under the authority of the department of health and environment, division of public health, bureau of family health, child placing agency and residential programs section shall be deemed to have the same force and effect as if performed by the department of health and environment in which such powers, duties, and functions were vested prior to the effective date of this order.

(j) The department of health and environment shall be the successor in every way to the powers, duties and functions of the department for children and families concerning duties and functions of the department for children and families, economic and employment services section that determines eligibility for services under Title XIX of the Social Security Act (Medicaid) and eligibility for state funded medical services in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such transferred power, duties and functions by or under the authority of the department for children and families, economic and employment services section that, among other functions, determines eligibility for services under Title XIX of the Social Security Act, known as Medicaid and eligibility for services for state funded medical services, that pertains to determining eligibility for Medicaid and state funded

medical services shall be deemed to have the same force and effect as if performed by the department for children and families in which such powers, duties, and functions were vested prior to the effective date of this order.

Section 2. (a) The department for children and families or designees appointed by the secretary shall be the successor in every way to the powers, duties, and functions of any state agency department, board, commission or council, providing services and creating systems in order to comply with the provisions of any laws or regulations affecting the department of health and environment, division of public health, bureau of family health, child placing and residential programs. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the department for children and families shall be deemed to have the same force and effect as if performed by any state agency, department, board, commission or council in which such powers, duties and functions were vested prior to the date of this order.

(b) The department of health and environment or designees appointed by the secretary shall be the successor in every way to the powers, duties, and functions of any state agency department, board, commission or council, providing services and creating systems in order to comply with the provisions of any laws or regulations affecting the department for children and families, eligibility and employment services section which pertains to determining eligibility for Medicaid services. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the department of health and environment shall be deemed to have the same force and effect as if performed by any state agency, department, board, commission or council in which such powers, duties and functions were vested prior to the date of this order.

(c) Wherever the department of health and environment, pertaining to the duties or functions of the child placing agency and residential programs section division of public health, bureau of family health, or words of like effect is referred to or designated by statute, contract, memorandum, agreement or other document and such reference is in regard to any of the powers, duties or functions transferred to the department for children and families, such reference or designation shall be deemed to apply to the department for children and families.

(d) Wherever the department for children and families, economic and employment services section that determines eligibility for services under Title XIX of the Social Security Act (Medicaid) and state funded medical services, or words of like effect are referred to or designated by statute, contract, memorandum, agreement or other document and such reference is in regard to any of the powers, duties or functions transferred to the department of health and environment, such reference or designation shall be deemed to apply to the department of health and environment.

(e) All rules and regulations, orders and directives of the Kansas department of health and environment which relate to the functions transferred by this order, and which are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of the department for children and families respective to the duties that the secretary for children and families is assuming by this order.

(f) All rules and regulations, orders and directives of the Kansas department for children and families which relate to the functions transferred by this order, and which are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of the

department of health and environment respective to the duties that the secretary of health and environment is assuming by this order.

Section 3. (a) The balance of all funds or accounts thereof appropriated or reappropriated for the Kansas department of health and environment or any state agency, department, board, commission or council, relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the department for children and families respective to the powers, duties and functions transferred by this order.

(b) The balance of all funds or accounts thereof appropriated or reappropriated for the Kansas department for children and families or any state agency, department, board, commission or council, relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the department of health and environment respective to the powers, duties and functions transferred by this order.

(c) Liability for the accrued compensation or salaries of officers and employees who are transferred to the department for children and families under this order shall be assumed and paid by the department for children and families, respective to the powers, duties and functions transferred by this order.

(d) Liability for the accrued compensation or salaries of officers and employees who are transferred to the department of health and environment under this order shall be assumed and paid by the department of health and environment, respective to the powers, duties and functions transferred by this order.

Section 4. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The department for children and families and the department of health and environment shall respectively succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred by this order.

Section 5. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The Court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

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

Section 6. (a) All officers and employees of the Kansas department of health and environment, who immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the Kansas department of health and environment who are determined by the secretary of the Kansas department for children and families and the secretary of the Kansas department of health and environment to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the department for children and families,

respective to the powers, duties and functions transferred to the department by this order. All classified officers and employees so transferred shall retain their status as classified employees.

(b) All officers and employees of the Kansas department for children and families, who immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the Kansas department for children and families who are determined by the secretary of the Kansas department of health and environment and the secretary of the Kansas department for children and families to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the department of health and environment, respective to the powers, duties and functions transferred to the department by this order. All classified officers and employees so transferred shall retain their status as classified employees.

(c) Officer and employees of the Kansas department of health and environment and officers and employees of the Kansas department for children and families transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolitions of classified service positions under 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 either the Kansas department of health and environment or the Kansas department for children and families prior to the date of transfer.

(d) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the Kansas department of health and environment and the Kansas department for children and families, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

Section 7. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2015, unless disapproved by either house of the Kansas legislature as provided by subsection 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 16<sup>th</sup> day  
of January, 2015.

BY THE GOVERNOR:  
SAM BROWNBACK

KRIS W. KOBACH  
*Secretary of State of Kansas*

ERIC RUCKER  
*Assistant Secretary of State of Kansas*

**COMMUNICATIONS FROM STATE OFFICERS**

KANSAS DEPARTMENT OF LABOR

January 20, 2015

Secretary Lana Gordon submitted the 2014 Annual Report.

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

**REPORT ON ENGROSSED BILLS**

**SR 1703** reported correctly engrossed on January 14, 2015.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, January 21, 2015.

# Journal of the Senate

## SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, January 21, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 38 senators present.  
Senators Ostmeyer and Wolf were excused.  
Invocation by Father Don Davidson:

Today, dear Lord, we give thanks for those who deliver services and their clients; for all who work in our criminal justice system, for the victims of crime and help for the perpetrators, for aid agencies and their work throughout our state, and for those living in poverty or under oppression. Today, let us give thanks for these your servants. 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 42**, AN ACT concerning governmental ethics; relating to use of public funds for lobbying, by Committee on Assessment and Taxation.

**SB 43**, AN ACT designating a portion of K-8 as the home on the range highway, by Committee on Transportation.

**SB 44**, AN ACT concerning courts; relating to docket fees; electronic filing and management fund and judicial branch docket fee fund; amending K.S.A. 2014 Supp. 20-1a16 and 20-362 and repealing the existing sections, by Committee on Judiciary.

**SB 45**, AN ACT concerning firearms; relating to the carrying of concealed firearms; relating to the personal and family protection act; amending K.S.A. 2014 Supp. 21-5914, 21-6301, 21-6302, 21-6308, 21-6309, 32-1002, 75-7c01, 75-7c03, 75-7c04, 75-7c05, 75-7c10, 75-7c17, 75-7c20 and 75-7c21 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 75-7c19, by Senators Bruce, Abrams, Arpke, Baumgardner, Bowers, Donovan, Fitzgerald, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson and Wilborn.

**SB 46**, AN ACT concerning domesticated deer; relating to identification of deer; amending K.S.A. 2014 Supp. 47-2101 and repealing the existing section, by Committee on Agriculture.

**SB 47**, AN ACT concerning insurance; relating to life insurance companies; reserve valuation method; principle-based valuation; standard nonforfeiture law; amending

K.S.A. 2014 Supp. 40-409 and 40-428 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 48**, AN ACT concerning property taxation; relating to exemptions; qualifying pipeline property; sunset of exemption for future taxpayers and retention of exemptions for existing taxpayers; amending K.S.A. 2014 Supp. 79-227 and repealing the existing section, by Committee on Ways and Means.

**SB 49**, 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. 2014 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, by Committee on Public Health and Welfare.

**SB 50**, AN ACT concerning property tax valuation classification of bed and breakfast properties; amending K.S.A. 2014 Supp. 79-1439 and repealing the existing section, by Committee on Local Government.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Ethics and Elections: **SB 41**.

Judiciary: **SB 37, SB 38, SB 39; ERO 43**.

Natural Resources: **SB 36**.

Public Health and Welfare: **SB 40**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, January 22, 2015.

# Journal of the Senate

EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 22, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 38 senators present.  
Senators Ostmeyer and Wolf were excused.  
Invocation by Father Don Davidson:

Today, Oh Lord, we give you those who serve our local governments in cities, towns and villages across Kansas. We pray for those who provide local services so important to our citizens, and for those first responders who arrive to assist in emergency situations. We also pray for our elderly and those whose lives are dedicated to their care and well being. For all these your servants, with thanksgiving, we pray 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 51**, AN ACT concerning courts; relating to court fees and costs; judicial branch surcharge fund; amending K.S.A. 2014 Supp. 8-2107, 8-2110, 20-3021, 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, 60-729, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 21-6614e, by Committee on Judiciary.

**SB 52**, AN ACT concerning water; related to the diversion of water; chief engineer; amending K.S.A. 82a-706b and repealing the existing section, by Committee on Natural Resources.

**SB 53**, AN ACT concerning crimes and punishment; relating to principles of criminal liability; liability for crimes of another; amending K.S.A. 2014 Supp. 21-5210 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**SB 54**, AN ACT concerning insurance; pertaining to motor vehicle liability insurance; relating to mailing of notice of termination of coverage; amending K.S.A. 2014 Supp. 40-3118 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 55**, AN ACT concerning insurance; relating to certain financial examinations; pertaining to consulting fees; examination period; amending K.S.A. 40-2127 and K.S.A. 2014 Supp. 40-223 and repealing the existing sections, by Committee on

Financial Institutions and Insurance.

**SB 56**, AN ACT concerning crimes and punishment; relating to promotion to minors of material harmful to minors; removing an affirmative defense; amending K.S.A. 2014 Supp. 21-6402 and repealing the existing section, by Committee on Judiciary.

**SB 57**, AN ACT concerning the Kansas power of attorney act; relating to durable power of attorney; definitions; duties of attorney in fact; laws governing powers of attorney executed prior to July 1, 2015; amending K.S.A. 58-651 and 58-664 and K.S.A. 2014 Supp. 58-652 and 58-656 and repealing the existing sections, by Committee on Judiciary.

**SB 58**, AN ACT concerning the Kansas judicial review act; relating to venue; amending K.S.A. 77-609 and repealing the existing section, by Committee on Judiciary.

**SB 59**, AN ACT concerning district magistrate judges; relating to jurisdiction; appeals; amending K.S.A. 2014 Supp. 20-302b and repealing the existing section, by Committee on Judiciary.

**SB 60**, AN ACT concerning schools; relating to the Kansas state high school activities association; relating to participation by certain students, by Committee on Federal and State Affairs.

**SB 61**, AN ACT concerning the Kansas lottery; amending K.S.A. 74-8704 and 74-8718 and K.S.A. 2014 Supp. 74-8702 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 62**, AN ACT concerning search and rescue and hazardous material response matters; dealing with tort claims immunity; amending K.S.A. 2014 Supp. 75-6102 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 63**, AN ACT concerning municipalities; relating to land banks; amending K.S.A. 2014 Supp. 12-5909 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 64**, AN ACT concerning public water supply storage; amending K.S.A. 2014 Supp. 82a-1604 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 65**, AN ACT concerning firearms; relating to the personal and family protection act; amending K.S.A. 2014 Supp. 75-7c10 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 66**, AN ACT concerning firearms; relating to the personal and family protection act; relating to the carrying of concealed handguns in public areas; amending K.S.A. 2014 Supp. 75-7c20 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 67**, AN ACT concerning schools; relating to curriculum standards; amending K.S.A. 2014 Supp. 72-6439 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 68**, AN ACT designating a portion of K-96 as the George Ablah expressway; amending K.S.A. 2014 Supp. 68-10,106 and repealing the existing section, by Senators O'Donnell, Petersen and Wagle.

**SB 69**, AN ACT concerning advanced practice registered nurses; amending K.S.A. 40-4602, 59-2976, 65-1660, 65-2892, 65-4134 and 65-5502 and K.S.A. 2013 Supp. 65-1626, as amended by section 4 of chapter 131 of the 2014 Session Laws of Kansas, 65-4101, as amended by section 50 of chapter 131 of the 2014 Session Laws of Kansas, 65-6112, as amended by section 51 of chapter 131 of the 2014 Session Laws of Kansas

and 65-6124, as amended by section 52 of chapter 131 of the 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 39-923, 39-1401, 39-1430, 39-1504, 65-468, 65-507, 65-1113, 65-1130, 65-1682, 65-2837a, 65-2921, 65-4116, 65-4202, 65-5402, 65-5418, 65-6119, 65-6120, 65-6121, 65-6123, 65-6144, 65-7003, 65-7302, 72-5213 and 75-7429 and repealing the existing sections, by Committee on Public Health and Welfare.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 48, SB 50.**

Agriculture: **SB 46.**

Ethics and Elections: **SB 42.**

Federal and State Affairs: **SB 45.**

Financial Institutions and Insurance: **SB 47.**

Judiciary: **SB 44.**

Public Health and Welfare: **SB 49.**

Transportation: **SB 43.**

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Judiciary** recommends **SB 14** be amended on page 1, in line 32, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **SB 17** be amended on page 1, in line 28, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**SB 23** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

#### **REPORT ON ENROLLED BILLS**

**SR 1703, SR 1705** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 22, 2015.

On motion of Senator Bruce, the Senate adjourned pro forma until 8:00 a.m., January 23, 2015.

# Journal of the Senate

NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, January 23, 2015, 8:00 a.m.

The Senate was called to order pro forma by Senator Mary Pilcher-Cook.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 63**.

Corrections and Juvenile Justice: **SB 53, SB 56**.

Education: **SB 60, SB 67**.

Federal and State Affairs: **SB 61, SB 62, SB 65, SB 66**.

Financial Institutions and Insurance: **SB 54, SB 55**.

Judiciary: **SB 51, SB 57, SB 58, SB 59**.

Natural Resources: **SB 52, SB 64**.

Public Health and Welfare: **SB 69**.

Transportation: **SB 68**.

## COMMUNICATIONS FROM STATE OFFICERS

### KANSAS HOUSING RESOURCES CORPORATION

January 22, 2015

Executive Director Dennis L. Mesa submitted the 2014 Kansas Housing Resources Corporation Annual Report.

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

## TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of January 20 through January 23, 2015:

Senator Bowers: congratulating Greta Smedley on her 100th Birthday; recognizing Russell Dethloff on achieving the rank of Eagle Scout;

Senator Faust-Goudeau: congratulating Diane Wahto on her 75th Birthday;

Senator Love: recognizing David "A. R." White on his contributions to Kansas; recognizing Bob Boaldin for his service to the community and the State of Kansas;

Senator Melcher: honoring 2nd Lieutenant Justin Lee Sisson.

JANUARY 23, 2015

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On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, January 26, 2015.

# Journal of the Senate

TENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, January 26, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 39 senators present.  
Senator Ostmeyer was excused.  
Invocation by Father Don Davidson:

This week all the prayers will be attributed or quoted from Holy Men and Women from history. Today's prayer is attributed to St. Richard of Chichester:

“Thanks be to you, Lord, for all the benefits and blessings which you have given us. O most merciful, may I know you more clearly, love you more dearly and follow you more nearly, day by day.” 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 70**, AN ACT concerning teachers; relating to background checks and revocation of licensure; amending K.S.A. 2014 Supp. 72-1397 and 72-1923 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**SB 71**, AN ACT concerning school districts; relating to supplemental general state aid; amending K.S.A. 2014 Supp. 72-6434 and repealing the existing section, by Committee on Ways and Means.

**SB 72**, AN ACT regulating traffic; allowing transit buses to operate on certain right shoulders; amending K.S.A. 2014 Supp. 75-5091 and repealing the existing section, by Committee on Transportation.

**SB 73**, AN ACT concerning motor vehicles; relating to definitions; amending K.S.A. 2014 Supp. 8-126, 8-1402a and 8-1493 and repealing the existing sections, by Committee on Transportation.

**SB 74**, AN ACT concerning the motor vehicles drivers' license act; disposition of drivers' license reinstatement fees; amending K.S.A. 2014 Supp. 8-241 and repealing the existing section, by Committee on Judiciary.

**SB 75**, AN ACT concerning insurance; pertaining to the patient protection act; prohibiting the use of certain provisions in agreements; amending K.S.A. 40-4607 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 76**, AN ACT concerning insurance; relating to assessments; enacting the risk management and own risk and solvency assessment act; sanctions, by Committee on Financial Institutions and Insurance.

**SB 77**, AN ACT concerning the ethics commission; relating to fees; amending K.S.A. 2014 Supp. 25-4119f, 25-4145 and 46-265 and repealing the existing sections, by Committee on Ethics and Elections.

**SB 78**, AN ACT concerning campaign finance; relating to electronic filing of legislative reports; amending K.S.A. 2014 Supp. 25-4148 and repealing the existing section, by Committee on Ethics and Elections.

**SB 79**, AN ACT concerning propositions to amend the constitution; relating to publication thereof; amending K.S.A. 64-103 and repealing the existing section, by Committee on Ethics and Elections.

**SB 80**, AN ACT concerning the minimum wage; enacting the Kansas working families pay raise act; amending K.S.A. 2014 Supp. 44-1203 and repealing the existing section, by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly and Pettey.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, January 27, 2015.

# Journal of the Senate

ELEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, January 27, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Ostmeyer was excused.

Invocation by Father Don Davidson:

Today's prayer is attributed to St. Anselm:

“Lord, you speak in my heart and say 'Seek my face', Your face, Lord, will I seek, hide not your face from me. Raise me up from myself and draw me to you. Cleanse, heal, quicken, enlighten the eye of my mind that it may look to you. Strengthen my soul that with all the power of my understanding it may strive to know you for you are life and wisdom, truth and beauty and everything that is good.” Amen

The Pledge of Allegiance was led by President Susan Wagle.

## POINT OF PERSONAL PRIVILEGE

The President recognized Senator Jeff Melcher, who rose to honor Second Lieutenant Justin Lee Sisson of Overland Park, Kansas with the following tribute:

WHEREAS, Second Lieutenant Justin Lee Sisson graduated from Blue Valley West High School in 2007. Nearly a year after his graduation from Florida State, he deployed to Afghanistan in support of Operation Enduring Freedom; and

WHEREAS, Second Lieutenant Justin Lee Sisson gave his life as a Patriot; honorable, just, brave, noble, and hard working in every way. Blue Valley West High School appreciates and formally recognizes this sacrifice Sisson made. They did this by erecting the “Lieutenant Justin Sisson Memorial” on their campus in November 2014. No greater honor would we have, than to recognize the sacrifice that this family and community have endured. Now, therefore,

*BE IT RESOLVED*, that the Kansas Senate and Senator Jeff Melcher join in remembering Second Lieutenant Justin Lee Sisson for his commendable service and exemplary life sacrificed in the line of duty. He will be greatly missed by his family, friends, and the community.

Senator Melcher introduced the following guests: Phyllis and Kevin Sisson, Pam Robinson, Mike Seitz, Scott Sisson, Christopher Donaldson and R. Lance Liming.

Senators honored the guests with a standing ovation.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 81**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2015, and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2014 Supp. 72-8814, 74-4914d, 74-4920 and 74-50,107 and repealing the existing sections, by Committee on Ways and Means.

**SB 82**, AN ACT concerning motor vehicles; relating to the use of safety belts; establishing the seat belt safety fund; amending K.S.A. 2014 Supp. 8-2504, 12-4120 and 74-7336 and repealing the existing sections, by Committee on Transportation.

**SB 83**, AN ACT concerning oil and gas; relating to surface owner property rights; distance and spacing requirements; amending K.S.A. 2014 Supp. 55-151 and repealing the existing section, by Committee on Commerce.

**SB 84**, AN ACT concerning cities; relating to the qualifications and rehabilitation of abandoned property; amending K.S.A. 2014 Supp. 12-1750 and 12-1756a and repealing the existing sections, by Committee on Commerce.

**SB 85**, AN ACT concerning the legislature; relating to length of regular sessions, by Committee on Federal and State Affairs.

**SB 87**, AN ACT dealing with the secretary of state; prohibiting certain political activities, by Committee on Federal and State Affairs.

**SB 88**, AN ACT concerning law enforcement; requiring training regarding mentally ill persons, by Committee on Federal and State Affairs.

**SB 89**, 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 Committee on Corrections and Juvenile Justice.

**SB 90**, AN ACT concerning bail enforcement agents; relating to licensure by the attorney general; sureties and bail agents; amending K.S.A. 2014 Supp. 22-2809a and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**SB 91**, AN ACT concerning oil and gas; relating to the abandoned oil and gas well fund, extension; amending K.S.A. 2014 Supp. 55-193 and repealing the existing section, by Committee on Utilities.

**SB 92**, AN ACT concerning legislators; dealing with per calendar day compensation; amending K.S.A. 2014 Supp. 46-137a 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:

Commerce: **SB 80**.

Corrections and Juvenile Justice: **SB 70**.

Ethics and Elections: **SB 77, SB 78, SB 79**.

Financial Institutions and Insurance: **SB 75, SB 76**.

Judiciary: **SB 74**.

Transportation: **SB 72, SB 73**.

Ways and Means: **SB 71**.

**REPORTS OF STANDING COMMITTEES**

Committee on **Transportation** recommends **SB 21** be passed.

Committee on **Ways and Means** recommends **SB 4** be passed.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, January 28, 2015.

# Journal of the Senate

TWELFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, January 28, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 38 senators present.  
Senators Love and Ostmeyer were excused.  
Invocation by Father Don Davidson:

Today's prayer is attributed to Christina Rossetti:

“Lord, make those who love you mirrors of you to those who are unloving; that being drawn to your image they may reproduce in themselves, light reflecting light, love kindling love, until God is all in all.” 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 86**, AN ACT creating the Kansas transparency act; concerning legislative meetings; providing for live audio broadcasts, by Committee on Federal and State Affairs.

**SB 93**, AN ACT concerning postsecondary education; relating to postsecondary career technical education performance-based funding; amending K.S.A. 2014 Supp. 72-4490 and repealing the existing section, by Committee on Education.

**SB 94**, AN ACT regulating traffic; concerning passing on streets and highways; relating to waste collectors; providing for certain penalties; amending K.S.A. 2014 Supp. 8-2118 and repealing the existing section, by Committee on Transportation.

**SB 95**, AN ACT concerning abortion; creating the Kansas unborn child protection from dismemberment abortion act, by Senators Love, Abrams, Arpke, Baumgardner, Bruce, Donovan, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle and Wilborn.

**SB 96**, AN ACT enacting the Kansas disclosure of unanticipated medical outcomes and medical errors act; concerning required disclosure policies for unanticipated medical outcomes and medical errors by medical care providers and health care facilities, by Committee on Public Health and Welfare.

**SB 97**, AN ACT concerning animals; relating to contact with dangerous regulated animals; amending K.S.A. 2014 Supp. 32-1301, 32-1306 and 32-1308 and repealing the existing sections, by Committee on Natural Resources.

**SB 98**, AN ACT concerning openness in government; amending K.S.A. 2014 Supp. 45-219, 46-1207a and 75-4318 and repealing the existing sections, by Senator LaTurner.

**SB 99**, AN ACT concerning the uniform act regulating traffic; relating to height and length of vehicles and loads; exceptions to maximums; amending K.S.A. 2014 Supp. 8-1904 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 100**, AN ACT concerning the Uniform Consumer Credit Code; relating to consumer loans; pertaining to definitions; certain finance charges; amending K.S.A. 16a-1-301 and 16a-2-401 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 101**, AN ACT concerning insurance; relating to the health care provider insurance availability act; definitions; amending K.S.A. 2014 Supp. 40-3401 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 102**, AN ACT concerning access to opioid analgesics with abuse-deterrent properties, by Committee on Financial Institutions and Insurance.

**SB 103**, AN ACT concerning pharmacy benefits managers; amending K.S.A. 2014 Supp. 40-3822 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 104**, AN ACT concerning courts; relating to use of two-way electronic audio-visual communication; amending K.S.A. 12-4402, 12-4404, 12-4408 and 22-3205 and K.S.A. 2014 Supp. 12-4213, 22-2802, 22-3208, 22-3405 and 60-243 and repealing the existing sections, by Committee on Judiciary.

**SB 105**, AN ACT concerning the uniform interstate family support act; amending K.S.A. 2014 Supp. 23-36,101, 23-36,102, 23-36,103, 23-36,201, 23-36,202, 23-36,203, 23-36,204, 23-36,205, 23-36,206, 23-36,207, 23-36,208, 23-36,209, 23-36,301, 23-36,303, 23-36,304, 23-36,305, 23-36,306, 23-36,307, 23-36,308, 23-36,310, 23-36,311, 23-36,312, 23-36,313, 23-36,314, 23-36,316, 23-36,317, 23-36,318, 23-36,319, 23-36,401, 23-36,501, 23-36,502, 23-36,503, 23-36,504, 23-36,505, 23-36,506, 23-36,507, 23-36,601, 23-36,602, 23-36,603, 23-36,604, 23-36,605, 23-36,606, 23-36,607, 23-36,608, 23-36,609, 23-36,610, 23-36,611, 23-36,612, 23-36,613, 23-36,701, 23-36,801, 23-36,802, 23-36,901 and 23-36,902 and repealing the existing sections, by Committee on Judiciary.

**SB 106**, AN ACT concerning real estate brokers and salespersons; relating to licensure; technical amendments; amending K.S.A. 58-30,106 and K.S.A. 2014 Supp. 58-3046a, 58-3050, 58-3062 and 58-30,103 and repealing the existing sections, by Committee on Commerce.

**SB 107**, AN ACT concerning expenditures by public entities for certain energy projects intended to reduce energy costs; exception from competitive bidding processes, by Committee on Commerce.

**SB 108**, AN ACT concerning real estate brokers and salespersons; relating to license fees; amending K.S.A. 2014 Supp. 58-3063 and repealing the existing section, by Committee on Commerce.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 84**.

Corrections and Juvenile Justice: **SB 88, SB 89, SB 90.**

Ethics and Elections: **SB 87.**

Federal and State Affairs: **SB 85, SB 92.**

Transportation: **SB 82.**

Utilities: **SB 83, SB 91.**

Ways and Means: **SB 81.**

**MESSAGE FROM THE HOUSE**

Announcing adoption of **HCR 5002.**

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HCR 5002, A CONCURRENT RESOLUTION** adopting joint rules for the Senate and House of Representatives for the 2015-2016 biennium, was introduced and read by title.

**REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **SB 29** be passed.

Also, **SB 30** be passed.

Committee on **Ethics and Elections** recommends **SB 27** be passed.

Also, **SB 28** be amended on page 1, in line 10, by striking "\$500" and inserting "\$1,000"; 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 4** be passed.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 4** was advanced to Final Action and roll call.

**SB 4, AN ACT** concerning the office of information technology services; relating to separate agency status for budgetary purposes.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Love, Ostmeyer.

The bill passed.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, January 29, 2015.

# Journal of the Senate

THIRTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 29, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 39 senators present.  
Senator Ostmeyer was excused.  
Invocation by Father Don Davidson:

Today's prayer will be delivered at the Washington National Cathedral by The Very Reverend Francis B. Sayre, Dean Emeritus of the Washington National Cathedral, in honor of the 154<sup>th</sup> 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 has 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 recognized Senator Abrams to lead the body in the singing of the Kansas State song, Home on the Range.

## POINT OF PERSONAL PRIVILEGE

The President recognized Senator Tom Arpke, who rose to honor winners of the *Happy Birthday, Kansas! Discovering Kansas* photograph contest with the following tribute:

WHEREAS, Rylee Schrock received First Place for Eighth Grade for the photo entitled *Kansas Skies*, and Keegan Griffin received First Place for Fifth Grade for the photo entitled *Farm Work*. Both students were awarded with an iPad. The photo contest was sponsored by *Happy Birthday, Kansas!, Discovering Kansas: a Student Photo Contest*, in conjunction with the Kansas Historical Society; and

WHEREAS, The awards presentation is with Governor Sam Brownback on January 29, 2015, at the Kansas State Capitol in Topeka. Now, therefore,

*BE IT RESOLVED* that the Kansas Senate and Senator Tom Arpke join in congratulating these students on their outstanding award. Your school and community are extremely proud of this accomplishment.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 109**, AN ACT concerning emergencies and disasters; creating the Kansas disaster utilities response act; department of revenue, by Committee on Utilities.

**SB 110**, AN ACT concerning sales taxation; relating to exemptions of certain machinery and equipment used in automated ice vending machines; amending K.S.A. 2014 Supp. 79-3606 and repealing the existing section, by Senators Olson, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Faust-Goudeau, Francisco, Hawk, Hensley, Holmes, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Melcher, O'Donnell, Petersen, Pettey, Pilcher-Cook, Powell, Schmidt, Smith, Tyson, Wilborn and Wolf.

**SB 111**, AN ACT concerning correctional supervision; relating to the correctional supervision fee; correctional supervision fund; amending K.S.A. 2014 Supp. 21-6607 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**SB 112**, AN ACT concerning wildlife, parks and tourism; relating to citations; amending K.S.A. 2014 Supp. 32-1049 and repealing the existing section, by Committee on Judiciary.

**SB 113**, AN ACT concerning the department of wildlife, parks and tourism; relating to licenses, permits, stamps and other issues of the department; amending K.S.A. 2014 Supp. 32-1001 and 32-1041 and repealing the existing sections, by Committee on Judiciary.

**SB 114**, AN ACT concerning the Kansas parentage act; relating to birth certificate amendments; charge for non-judicial personnel; amending K.S.A. 2014 Supp. 23-2223 and repealing the existing section, by Committee on Judiciary.

**SB 115**, AN ACT concerning firearms; relating to the personal and family protection act; relating to exemptions for state and municipal buildings; amending K.S.A. 2014 Supp. 75-7c20 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 116**, AN ACT concerning driving; relating to convictions and diversions; habitual violator status; expungement of driving under the influence and other driving offenses; amending K.S.A. 2014 Supp. 8-285, 12-4516 and 21-6614 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 12-4516b and 21-6614e, by Committee on Federal and State Affairs.

**SB 117**, AN ACT concerning insurance; relating to self-insurance under the health care provider insurance availability act; health care systems; amending K.S.A. 2014 Supp. 40-3401 and 40-3414 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 118**, AN ACT concerning agriculture; relating to the Kansas department of agriculture division of conservation; state conservation commission; powers and duties thereof; amending K.S.A. 2014 Supp. 2-1904 and repealing the existing section, by Committee on Natural Resources.

**SB 119**, AN ACT concerning agriculture; relating to chemigation; permit exceptions; amending K.S.A. 2014 Supp. 2-3304 and repealing the existing section, by Committee on Natural Resources.

**SB 120**, AN ACT concerning wildlife, parks and tourism; relating to land purchases; amending K.S.A. 2014 Supp. 32-833 and repealing the existing section, by Committee on Natural Resources.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Commerce: **SB 106, SB 107, SB 108.**

Education: **SB 93.**

Ethics and Elections: **SB 86.**

Federal and State Affairs: **SB 98.**

Financial Institutions and Insurance: **SB 100, SB 101, SB 102, SB 103.**

Judiciary: **SB 96, SB 104, SB 105.**

Natural Resources: **SB 97.**

Public Health and Welfare: **SB 95.**

Transportation: **SB 94, SB 99.**

**CHANGE OF REFERENCE**

The President withdrew **SB 86** from the Committee on **Ethics and Elections**, and referred the bill to the Committee on **Federal and State Affairs**.

**REPORTS OF STANDING COMMITTEES**

Committee on **Education** recommends **SB 8** be amended on page 1, following line 4, by inserting:

"Section 1. K.S.A. 2014 Supp. 46-1226 is hereby amended to read as follows: 46-1226. (a) Any cost study analysis, audit or other study commissioned or funded by the legislature and any conclusions or recommendations thereof shall not be binding upon the legislature. The legislature may reject, at any time, any such analysis, audit or study and any conclusions and recommendations thereof.

(b) A cost study analysis, audit or study shall include, but not be limited to, any cost study analysis, audit or study conducted pursuant to K.S.A. 46-1225, prior to its repeal, K.S.A. 2007 Supp. 46-1131, prior to its repeal, and K.S.A. 2014 Supp. 46-1132, ~~and amendments thereto prior to its repeal.~~";

Also on page 1, in line 5, by striking "and" and inserting a comma; also in line 5, after "46-1132" by inserting "and 46-1226";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "repealing K.S.A. 2014 Supp. 46-1130 and 46-1132;"; in line 2, after "audits" by inserting "; amending K.S.A. 2014 Supp. 46-1226 and repealing the existing section; also repealing K.S.A. 2014 Supp. 46-1130 and 46-1132"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned pro forma until 8:00 a.m. January 30, 2015.

# Journal of the Senate

FOURTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, January 30, 2015, 8:00 a.m.

The Senate was called to order pro forma by President Susan Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 121**, AN ACT concerning the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight; members and meetings; amending K.S.A. 2014 Supp. 39-7,160 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 122**, AN ACT concerning fees charged for services provided at hospital-based facilities, by Committee on Public Health and Welfare.

**SB 123**, AN ACT repealing K.S.A. 2014 Supp. 39-7,121b; concerning medications used to treat mental illness under the state medicaid plan, by Committee on Public Health and Welfare.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 119**.

Assessment and Taxation: **SB 110**.

Corrections and Juvenile Justice: **SB 111**.

Federal and State Affairs: **SB 115**.

Financial Institutions and Insurance: **SB 117**.

Judiciary: **SB 112**, **SB 113**, **SB 114**, **SB 116**.

Natural Resources: **SB 118**, **SB 120**.

Utilities: **SB 109**.

## MESSAGES FROM THE GOVERNOR

January 29, 2015

*To the Senate of the State of Kansas:*

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

SAM BROWNBACK  
*Governor*

*Judge, Kansas Court of Appeals, Kathryn Gardner, Topeka, pursuant to the authority vested in me by KSA 20-3020, and effective upon the date of confirmation by the Senate, to serve a term as provided by KSA 20-3010, to succeed Caleb Stegall.*

### COMMUNICATIONS FROM STATE OFFICERS

#### KANSAS DEPARTMENT OF COMMERCE

January 31, 2015

Job Creation Fund Program Manager Nadira Patrick submitted the Kansas Works, Department of Commerce, Job Creation Program Annual Report.

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

### TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of January 26 through January 30, 2015:

Senator Arpke: congratulating Rylee Schrock on winning first place in the Happy Birthday, Kansas! contest (8th Grade), congratulating Keegan Griffin on winning first place in the Happy Birthday, Kansas! contest (5th Grade);

Senator Bowers: congratulating Emily Cotterill on receiving the 2014 Patriot's Pen Essay prize, congratulating Susan Sutton on receiving the Distinguished Community Service Award;

Senator Kelly: recognizing Mackenzie Knox for earning the Girl Scout Gold Award; and

Senator Pettey: recognizing Darian Dozier for earning the Girl Scout Gold Award.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, February 2, 2015.

# Journal of the Senate

FIFTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 2, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Haley was excused.

Invocation by Father Don Davidson:

Lord God, today we remember the words of Winston Churchill who asked if a friend had enemies? The friend responded that he did, and Mr. Churchill responded that he must have stood-up for something. Help us to not only stand for what we believe, but to listen closely to the thoughts and beliefs of others, not just to reinforce our own understandings, but to further enhance our knowledge, our respect and the courtesy of sharing. For 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 124**, AN ACT concerning solid waste disposal; relating to land-spreading of drilling waste; amending K.S.A. 2014 Supp. 65-3407c and repealing the existing section, by Committee on Natural Resources.

**SB 125**, AN ACT concerning radioactive materials; relating to by-product material; low-level radioactive waste; naturally occurring radioactive material; amending K.S.A. 48-1603 and 48-1620 and repealing the existing sections, by Committee on Natural Resources.

**SB 126**, AN ACT concerning motor vehicles; relating to commercial driver's licenses; examination fees; commercial driver's license drive test fee fund; amending K.S.A. 2014 Supp. 8-240 and repealing the existing section, by Committee on Transportation.

**SB 127**, AN ACT concerning memorial highways; relating to signage; requiring the secretary of transportation to collect sufficient funds prior to installation, by Committee on Transportation.

**SB 128**, AN ACT concerning the Kansas open records act; relating to municipal judges; city attorneys; amending K.S.A. 2014 Supp. 45-221 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**SB 129**, AN ACT concerning reports of abuse or neglect; relating to children and certain adults; amending K.S.A. 2014 Supp. 38-2223, 38-2226 and 39-1431 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**SB 130**, AN ACT concerning financial institutions; pertaining to installment loans, by Committee on Financial Institutions and Insurance.

**SB 131**, AN ACT concerning law enforcement and corrections officers; establishing certain rights, by Committee on Federal and State Affairs.

**SB 132**, AN ACT concerning wildlife; relating to dangerous regulated animals; pertaining to the sale, slaughter and acquisition of such animals; amending K.S.A. 2014 Supp. 32-1301, 32-1302, 32-1303, 32-1304, 32-1305, 32-1306, 32-1307, 32-1308 and 32-1310 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 32-1309, by Committee on Federal and State Affairs.

**SB 133**, AN ACT concerning children and minors; relating to possession or consumption of alcoholic beverages; immunity from liability for minor seeking medical assistance; amending K.S.A. 2014 Supp. 41-727 and repealing the existing section, by Committee on Judiciary.

**SB 134**, AN ACT concerning agriculture; relating to noxious weeds; amending K.S.A. 2-1314b, 2-1320, 2-1323, 2-1330 and 2-1332 and K.S.A. 2014 Supp. 2-1314, 2-1315, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322 and 2-1331 and repealing the existing sections; also repealing K.S.A. 2-1316a, 2-1325, 2-1326, 2-1328 and 2-1329 and K.S.A. 2014 Supp. 2-1327 and 2-1334, by Committee on Agriculture.

**SB 135**, AN ACT concerning sales taxation; relating to aviation fuel; option to exempt from city sales tax, by Senator Love.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Public Health and Welfare: **SB 121**, **SB 122**, **SB 123**.

## COMMUNICATIONS FROM STATE OFFICERS

### OFFICE OF THE KANSAS STATE TREASURER

State Treasurer Ron Estes submitted the 2014 Annual Report for the Kansas State Treasurer's Office.

### KANSAS INSURANCE DEPARTMENT

January 29, 2015

Commissioner of Insurance Ken Selzer submitted the 2014 Fiscal Year End Report for the Kansas Workers Compensation Fund.

### KANSAS CORPORATION COMMISSION

January 29, 2015

Chair Shari Feist Albrecht and Utilities Division Director Jeff McClanahan submitted the 2015 Annual Price Deregulation Report.

February 1, 2015

Utilities Division Director, and Transportation Division Director, submitted the 2015 Utilities and Common Carriers Annual Report.

February 1, 2015

Chair Shari Feist Albrecht and Utilities Division Director Jeff McClanahan submitted the biennial report regarding 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.

**REPORTS OF STANDING COMMITTEES**

Committee on **Agriculture** recommends **SB 46** be passed.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 3, 2015.

# Journal of the Senate

SIXTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 3, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

O Lord, according to an African proverb, if a person wants to go fast they should go alone, if they wish to go far, they need to go together. There are very few things on earth, dear Lord, that we can do all by ourselves, we need help and we need each other. When we think always in terms of “I”, we miss all the other individuals who could have been addressed as “we.” Dear Lord, help us to reach out to each other, 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 136**, AN ACT concerning school districts; relating to the professional negotiations act; amending K.S.A. 72-5423 and K.S.A. 2014 Supp. 72-5413 and repealing the existing sections, by Committee on Education.

**SB 137**, AN ACT concerning education; relating to the school district finance and quality performance act; the virtual school act; the student data privacy act; tax credit scholarship programs; amending K.S.A. 2014 Supp. 72-3715, 72-6216, 72-6217, 72-6219, 72-6407, 72-6433, 72-8801 and 72-99a03 and repealing the existing sections, by Committee on Education.

**SB 138**, AN ACT concerning the department of health and environment; relating to rules and regulations; confined feeding facilities; amending K.S.A. 2014 Supp. 65-171d and repealing the existing section, by Committee on Ways and Means.

**SB 139**, AN ACT designating a portion of K-7 as the mayor Ken Bernard memorial highway; amending K.S.A. 68-1034 and repealing the existing section, by Committee on Transportation.

**SB 140**, AN ACT concerning criminal procedure; relating to conditions of release; forfeiture of appearance bonds; amending K.S.A. 2014 Supp. 22-2807 and repealing the existing section, by Committee on Judiciary.

**SB 141**, AN ACT concerning the state board of healing arts; podiatrists; scope of practice; amending K.S.A. 65-28a02, as amended by section 42 of chapter 131 of the 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 65-1130 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 142**, AN ACT concerning programs for all-inclusive care for the elderly; amending K.S.A. 2014 Supp. 39-923 and repealing the existing section, by Committee on Public Health and Welfare.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 134**.

Assessment and Taxation: **SB 135**.

Corrections and Juvenile Justice: **SB 128, SB 129, SB 131**.

Financial Institutions and Insurance: **SB 130**.

Judiciary: **SB 133**.

Natural Resources: **SB 124, SB 125, SB 132**.

Transportation: **SB 126, SB 127**.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2005, HB 2009, HB 2023**.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2005, HB 2009, HB 2023** were thereupon introduced and read by title.

#### REPORTS OF STANDING COMMITTEES

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

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

By the Governor:

Department of Credit Unions, Administrator: K.S.A. 17-2233

Jerel Wright, to fill a term expiring on December 31, 2017

Committee on **Financial Institutions and Insurance** recommends **SB 47** be passed.

Also, **SB 54** be amended on page 2, in line 11, by striking all after the first "or"; by striking all in line 12; in line 13, by striking "States postal service" and inserting "any other mail tracking method currently used, approved or accepted by the United States postal service or mail tracking method approved or accepted by the United States postal service in the future"; and the bill be passed as amended.

**SB 55** be amended on page 3, in line 9, by striking "beginning January 1,"; in line 10, by striking "1995"; and the bill be passed as amended.

**SB 76** be amended on page 1, in line 5, by striking "(1)"; in line 7, by striking "(2)" and inserting "(b)"; in line 13, by striking "(3)" and inserting "(c)";

On page 4, in line 40, by striking all after the period; by striking all in lines 41 through 43;

On page 7, following line 3, by inserting:

"Sec. 11. The provisions of this act shall expire on July 1, 2022, unless the legislature reviews and reenacts the provisions related to confidentiality in section 1 and section 7, and amendments thereto, pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022.";

And by renumbering sections accordingly; 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 Smith in the chair.

On motion of Senator Smith the following report was adopted:

**SB 21** be passed.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 4, 2015.

# Journal of the Senate

## SEVENTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 4, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

O Lord, in the quietest of moments, if we really try, we can hear the beating of our own heart. The heart is the most amazing muscle in the wonder of your human creation. It beats, sometimes hundreds of times in a minute and because of it, blood moves from one area of our body to the next. Those of us who have experienced heart difficulties are even more amazed by its strength and resilience. Thank you Lord, for giving us life and help us with every beat of our heart to love you and the life we have been given. In your precious name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

### **POINT OF PERSONAL PRIVILEGE**

The President recognized Senator Kerschen on a Point of Personal Privilege to recognize Micayla Gutierrez:

WHEREAS, Micayla Gutierrez, a 7th grade student at Eisenhower Middle School, submitted an essay for the “If I Were Mayor, I would...” contest and won first place at the statewide level and will be recognized at a special ceremony at City Hall Day February 4, 2015; and

WHEREAS, Micayla’s essay was judged on the following criteria: creativity, clarity, sincerity of thought, and proper use of grammar. The League of Kansas Municipalities sponsors the contest to encourage good government and what would make the cities a good place to live in. Now, therefore,

*BE IT RESOLVED* that the Kansas Senate and Senator Dan Kerschen join in congratulating you on this outstanding award. Your school, community, and the State of Kansas are extremely proud of this accomplishment. Well Done!

Guests introduced were Micayla Gutierrez, Landon Gutierrez, Nichole Gutierrez, Robert Gutierrez, Sandy Edwards, Jerry Logabaugh and Cary Miller.

Senators honored Micayla and guests with a standing ovation.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 143**, AN ACT concerning dental insurance; relating to insurance payments; assignment of benefits; providing certain information to an insured or beneficiary, by

Committee on Financial Institutions and Insurance.

**SB 144**, AN ACT relating to insurance; concerning excess lines coverage; amending K.S.A. 2014 Supp. 40-246b and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 145**, AN ACT concerning insurance; relating to nonadmitted insurers authorized to write excess coverage on Kansas risks; amending K.S.A. 2014 Supp. 40-246b and 40-246e and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 146**, AN ACT concerning racial profiling; relating to data collection by law enforcement; amending K.S.A. 2014 Supp. 22-4606, 22-4610 and 22-4611a and repealing the existing sections, by Committee on Judiciary.

**SB 147**, AN ACT creating the community defense act; amending K.S.A. 2014 Supp. 22-3901 and repealing the existing section, by Committee on Judiciary.

**SB 148**, AN ACT concerning children and families; enacting the safe families act, by Committee on Judiciary.

**SB 149**, AN ACT concerning civil commitment of sexually violent predators; amending K.S.A. 59-29a01, 59-29a03 and 59-29a10 and K.S.A. 2014 Supp. 59-2401a, 59-29a04, 59-29a04a, 59-29a05, 59-29a06, 59-29a07, 59-29a08, 59-29a11, 59-29a22, 59-29a23, 59-29a24 and 77-603 and repealing the existing sections; also repealing K.S.A. 59-29a18, by Committee on Judiciary.

**SB 150**, AN ACT concerning motor carriers; relating to the regulation thereof; representation before the corporation commission; amending K.S.A. 2014 Supp. 66-1,142b and repealing the existing section, by Committee on Transportation.

**SB 151**, AN ACT concerning utilities; relating to electric generating units and carbon dioxide emission standards; concerning the establishment of state performance standards; state corporation commission; secretary of health and environment; amending K.S.A. 2014 Supp. 65-3031 and repealing the existing section, by Committee on Utilities.

**SB 152**, AN ACT concerning the dispensing of alcoholic liquor, by Committee on Federal and State Affairs.

**SB 153**, AN ACT concerning firearms; relating to the personal and family protection act; creating an exemption for public libraries; amending K.S.A. 2014 Supp. 75-7c20 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 136**.

Judiciary: **SB 140**; **HB 2023**.

Natural Resources: **SB 138**.

Public Health and Welfare: **SB 141**, **SB 142**.

Transportation: **SB 139**.

Ways and Means: **SB 137**; **HB 2005**, **HB 2009**.

## MESSAGE FROM THE HOUSE

Announcing passage of **SB 4**, as amended by **House Substitute for SB 4**.

**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 Confirmation Oversight.

*By the Governor*

On the appointment to the:

*Central Low-Level Radioactive Waste Commission:*

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Department for Aging and Disability Services:*

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Employment Security Board of Review:*

Ryann Waller, Term ends March 15, 2018

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

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Board of Regents:*

Joseph Bain, Term ends June 30, 2018

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

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Board of Regents:*

William Feuerborn, Term ends June 30, 2018

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

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Board of Regents:*

Zoe Newton, Term ends June 30, 2018

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

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Commission on Veterans Affairs Office:*

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Lottery Commission:*

Jeffrey Scharping, Term ends March 15, 2018

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

Voting 0.

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Racing and Gaming Commission:*

Laura McConwell, Term ends January 15, 2015

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

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

The appointment was confirmed.

*By the Attorney General*

On the appointment to the:

*Kansas Crime Victims Compensation Board:*

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Department of Credit Unions:*

Jerel Wright, Term ends December 31, 2017

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

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Pooled Money Investment Board:*

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Pooled Money Investment Board:*

Lewis Levin, Term ends March 15, 2018

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

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Banking Board:*

Neal Bernauer, Term ends March 15, 2017

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

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Banking Board:*

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Banking Board:*

Thomas Pitner, Term ends March 15, 2017

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

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Banking Board:*

Linda Wessel, Term ends March 15, 2015

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

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Banking Board:*

Jeff Whitham, Term ends March 15, 2017

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

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*University of Kansas Hospital Authority:*

Elizabeth King, Term ends March 15, 2018

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

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

The appointment was confirmed.

*By the Senate President*

On the appointment to the:

*Kansas Bioscience Authority:*

David Murfin, Term ends March 15, 2018

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

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

The appointment was confirmed.

**FINAL ACTION ON CONSENT CALENDAR**

**SB 23** having appeared on the Consent Calendar for the required two full legislative days without objection from any member was considered on final action.

**SB 23**, AN ACT concerning driving; relating to authorized restrictions of driving privileges; ignition interlock device; amending K.S.A. 2014 Supp. 8-1015 and repealing the existing section.

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

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

The bill passed.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 21**, AN ACT concerning motor vehicles; relating to commercial vehicles; motor carriers; regulation; amending K.S.A. 2014 Supp. 66-1,109 and 66-1,129 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**CONSIDERATION OF MOTIONS AND SENATE RESOLUTIONS**

On motion of Senator Bruce, **HCR 5002**, a concurrent resolution adopting joint rules for the Senate and House of Representatives for the 2015-2016 biennium, was advanced to Final Action subject to amendment, debate and roll call.

**HCR 5002** be amended by motion of Senator King on page 4, in line 38, by striking all after the period; by striking all in lines 39 through 42; in line 43, by striking "concurrent resolution."

The amendment was adopted.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HCR 5002**, A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2015-2016 biennium, 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, Arpke, Bowers, Bruce, Denning, Donovan, 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, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Holland, Pyle, Tyson.

Present and Passing: Francisco.

The resolution was adopted, as amended.

### EXPLANATION OF VOTE

Madam President: Voting "AYE" for **HCR 5002** (Joint Rules) is only a vote for faith in the Conference Committee process that will clarify a number, or a policy, for the "bundling" of several bills into a solo measure for passage. Having been here in the Legislature over 20 years, I have witnessed too many procedural maneuvers which play fast and loose with transparency; and even, sometimes, clarity as to what is being voted on. Switching bill numbers to insert new, often barely related, topics and issues (affectionately called a "gut and go") and "bundling" of several committee bills into one (1), often quasi-related, bill are a few major parlances. In my opinion, limiting to two (2) the number of bills that might be "bundled"; (as the House so correctly adopted), is a major step towards both transparency and Legislative awareness and accuracy. But not wanting to reject an otherwise good work product due to this one misstep of a Senate amendment (which I proudly, by show in a division vote of 30-10, showed that I did NOT support), again, I exercise FAITH in the future GOOD COMPROMISE in the Conference Committee process, and Vote "AYE" on **HCR 5002**.—DAVID HALEY

### REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 31** be amended on page 8, in line 24, by striking the second "and"; in line 25, by striking "personal"; following line 29, by inserting:

"(b) Once the warrant has been docketed with the clerk of the district court, the secretary or the secretary's designee shall file with the office of the secretary of state a notice of lien. The notice of lien shall be filed in the uniform commercial code filing system with the secretary of state in accordance with part 5 of article 9 of the uniform commercial code, and amendments thereto, in an electronic format as prescribed by the secretary of state. No fee shall be charged by the secretary of state for the initial filing. The fee to terminate the filing shall be set in accordance with the rules and regulations filing act. Once filed, the notice of lien shall be deemed a lien upon the right and interest in tangible personal property, wherever located in the state of Kansas, of the taxpayer against whom the notice of lien was filed. This section shall not apply to tangible personal property which is required to be registered and for which a certificate

of title has been issued by the state of Kansas.";

On page 9, in line 3, by striking "(c)" and inserting "(d)"; in line 11, by striking the second "and"; in line 12, by striking "personal property"; and inserting "estate"; in line 14, after "procedure." by inserting "If the warrant is dormant, it shall cause the lien upon personal property filed with the office of the secretary of state to be dormant as well. In the event the warrant is revived, the lien upon personal property filed with the office of the secretary of state shall be revived as well.

(e) The lien on tangible personal property provided in subsection (b) shall cease to exist 10 years from the date of the filing of the notice of lien with the office of the secretary of state, unless before such time the secretary or the secretary's designee files with the office of the secretary of state a notice of renewal of such lien. The notice of renewal shall operate to extend the lien for 10 years from the date of the filing of the notice. The lien may be extended through the filing of a notice of renewal an unlimited number of times, as long as each notice of renewal is filed within 10 years of the date the previous notice of renewal was filed.";

And by redesignating subsections accordingly;

On page 12, in line 12, by striking "and personal"; following line 16, by inserting:

"(b) Once the warrant has been docketed with the clerk of the district court, the secretary or the secretary's designee shall file with the office of the secretary of state a notice of lien. The notice of lien shall be filed in the uniform commercial code filing system with the secretary of state in accordance with part 5 of article 9 of the uniform commercial code, and amendments thereto, in an electronic format as prescribed by the secretary of state. No fee shall be charged by the secretary of state for the initial filing. The fee to terminate the filing shall be set in accordance with the rules and regulations filing act. The department shall release any lien upon the property of a taxpayer upon payment of all tax, penalty and interest within 30 days of payment. Liens filed in error shall be so noted on the satisfaction of judgment. The department shall be liable for any court costs associated with the release of such erroneous liens. Once filed, the notice of lien shall be deemed a lien upon the right and interest in tangible personal property, wherever located in the state of Kansas, of the taxpayer against whom the notice of lien was filed. This section shall not apply to tangible personal property which is required to be registered and for which a certificate of title has been issued by the state of Kansas.";

Also on page 12, in line 35, by striking "(c)" and inserting "(d)";

On page 13, in line 1, by striking the second "and"; in line 2, by striking "personal property" and inserting "estate"; in line 4, after "procedure." by inserting "If the warrant is dormant, it shall cause the lien upon personal property filed with the office of the secretary of state to be dormant as well. In the event the warrant is revived, the lien upon personal property filed with the office of the secretary of state shall be revived as well.

(e) The lien on tangible personal property provided in subsection (b) shall cease to exist 10 years from the date of the filing of the notice of lien with the office of the secretary of state, unless before such time the secretary or the secretary's designee files with the office of the secretary of state a notice of renewal of such lien. The notice of renewal shall operate to extend the lien for 10 years from the date of the filing of the notice. The lien may be extended through the filing of a notice of renewal an unlimited number of times, as long as each notice of renewal is filed within 10 years of the date the previous notice of renewal was filed.";

And by redesignating subsections accordingly; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 20** be amended on page 2, following line 15, by inserting:

"(e) This section shall not apply to any premises that are, at the time, open to the public."; and the bill be passed as amended.

Committee on **Education** recommends **SB 93** be amended on page 1, in line 11, before the semicolon, by inserting "while enrolled in an eligible career technical education program"; in line 17, by striking "A student shall not be required to be dual enrolled in a general"; by striking all in lines 18 through 20; in line 21, by striking "(3)"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 19** be passed.

Also, **SB 11** be amended on page 8, in line 30, by striking "or" and inserting a comma; in line 31, after "service" by inserting ", cable or video service";

On page 9, in line 8, by striking "5" and inserting "6";

On page 19, following line 25, by inserting:

"Sec. 11. K.S.A. 2014 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	A	B	C	D	E	F	G	II	I
Severity Level I	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 30
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	25 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Presumptive Imprisonment

(b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

- (A) Prison sentence;
- (B) maximum potential reduction to such sentence as a result of good time; and
- (C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

- (A) Prison sentence; and
  - (B) duration of the nonprison sanction at the sentencing hearing.
- (f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of ~~subsection (d) of K.S.A. 2014 Supp. 21-5412(d)~~, 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. 2014 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, ~~subsection (b)(3) of K.S.A. 2014 Supp. 21-5414(b)(3), subsections (b)(3) and (b)(4) of K.S.A. 2014 Supp. 21-5823(b)(3) and (b)(4), K.S.A. 2014 Supp. 21-6412 and K.S.A. 2014 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. 2014 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. 2014 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. 2014 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. 2014 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, ~~subsection (b)(3) of K.S.A. 2014 Supp. 21-5414(b)(3), subsections (b)(3) and (b)(4) of K.S.A. 2014 Supp. 21-5823(b)(3) and (b)(4),~~ K.S.A. 2014 Supp. 21-6412 and K.S.A. 2014 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. 2014 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. 2014 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. 2014 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. 2014 Supp. 21-5807(a)(1), and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2014 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(a) or (b), prior to its repeal, 21-3716, prior to its repeal, ~~subsection (a)(1) or (a)(2)~~ of K.S.A. 2014 Supp. 21-5807(a)(1) or (a)(2), or ~~subsection (b)~~ of K.S.A. 2014 Supp. 21-5807(b), 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. 2014 Supp. 21-5913(a)(2), 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. 2014 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(b), prior to its repeal, or of criminal deprivation of property, as defined in K.S.A. 2014 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. 2014 Supp. 21-5801, and amendments thereto, or burglary as defined in ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5807(a), 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. 2014 Supp. 21-5801, and amendments thereto, or burglary as defined in ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5807(a), and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. 2014 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. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 Supp. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5807(a), 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. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 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. 2014 Supp. 21-6824(f)(1), 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. 2014 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. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 Supp. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5807(a), 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. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 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 (e)(2)~~ of K.S.A. 2014 Supp. 21-5413(c)(2), 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. 2014 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. 2014 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2014 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. 2014 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.

(v) The sentence for a third or subsequent violation of K.S.A. 8-1568, 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.

(w) The sentence for a violation of K.S.A. 2014 Supp. 21-5813(b), and amendments thereto, when such person being sentenced has a prior conviction for any nonperson felony shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.;

On page 20, in line 20, by striking "therein";

On page 26, in line 21, by striking "stockholder;" and inserting "manager, officer or director thereof, and each stockholder owning in the aggregate more than 25% of the stock of such corporation; or partnership or"; also in line 21, after "each" by inserting "partner or"; in line 22, by striking "; or partnership, the name and address of each partner";

On page 28, in line 39, after "all" by inserting "partners or";

On page 29, in line 10, after "premises" by inserting "upon which the place of business is located";

On page 30, in line 33, by striking "site" and inserting "place of business"; in line 34, by striking "scrap metal sites or locations" and inserting "place of business"; in line 40, after "21-6604c," by inserting "21-6804,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "21-6604," by inserting "21-6804,"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 36** be passed.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, February 5, 2015.

# Journal of the Senate

EIGHTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 5, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 37 senators present.  
Senators Hawk, Lynn and Wolf were excused.  
Invocation by Father Don Davidson:

Dear Lord, one of your more peculiar creatures is said to be given the power of weather prediction and has told us that we will experience winter for another six weeks. The prediction is at least partly based in the calendar, for spring is indeed six weeks away, and on his ability to see or not see his shadow. There are many things that keep humans amused, some more serious than others, all creative in their own way. Even in the midst of difficult decision making, let us not forget to have fun with each other, to laugh with others and sometimes at ourselves, for that too is your gift. Smile down upon us, merciful God, with your grace. 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 154**, AN ACT concerning employment security law; relating to determination of benefits; employer classification and rates; amending K.S.A. 2014 Supp. 44-704 and 44-710a and repealing the existing sections, by Committee on Commerce.

**SB 155**, AN ACT concerning surplus lines insurance; defining terms; relating to gross premiums and tax thereon; amending K.S.A. 2014 Supp. 40-246c and repealing the existing section; also repealing K.S.A. 2014 Supp. 40-5701, by Committee on Financial Institutions and Insurance.

**SB 156**, AN ACT concerning water; relating to the Arkansas river gaging fund; amending K.S.A. 2014 Supp. 74-5,133 and repealing the existing section, by Committee on Natural Resources.

**SB 157**, AN ACT concerning the revised Kansas code for care of children; relating to medicating a child; amending K.S.A. 2014 Supp. 38-2201 and repealing the existing section, by Committee on Judiciary.

**SB 158**, AN ACT concerning the revised Kansas code for care of children; establishing a CARE family program for foster care; amending K.S.A. 2014 Supp. 38-2218 and repealing the existing section, by Committee on Judiciary.

**SB 159**, AN ACT concerning the revised Kansas code for care of children; relating to when law enforcement officers shall take a child into custody; amending K.S.A. 2014 Supp. 38-2231 and repealing the existing section, by Committee on Judiciary.

**SB 160**, AN ACT concerning the revised Kansas code for care of children; relating to termination of parental rights; amending K.S.A. 2014 Supp. 38-2269 and repealing the existing section, by Committee on Judiciary.

**SB 161**, AN ACT concerning the state board of regents; relating to university support staff; amending K.S.A. 2014 Supp. 76-715a and 76-715b and repealing the existing sections, by Committee on Ways and Means.

**SB 162**, AN ACT concerning the joint estimate of revenue; amending K.S.A. 2014 Supp. 75-6701 and repealing the existing section, by Committee on Ways and Means.

**SB 163**, 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, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly and Pettey.

**SB 164**, AN ACT concerning railroads; relating to operation and movement; requiring two employees; penalties, by Committee on Transportation.

**SB 165**, AN ACT concerning open meetings; relating to closed or executive meetings; amending K.S.A. 2014 Supp. 75-4319 and repealing the existing section, by Committee on Ethics and Elections.

**SB 166**, AN ACT enacting the rule of law restoration act, by Committee on Federal and State Affairs.

**SCR 1602**, 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*, by Senator Holland.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Corrections and Juvenile Justice: **SB 146**, **SB 147**.

Federal and State Affairs: **SB 152**, **SB 153**.

Financial Institutions and Insurance: **SB 143**, **SB 144**, **SB 145**.

Judiciary: **SB 148**, **SB 149**.

Transportation: **SB 150**.

Utilities: **SB 151**.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2003**, **HB 2008**, **HB 2048**, **HB 2064**.

The House nonconcurrs in Senate amendments to **HCR 5002**, requests a conference and has appointed Representatives Barker, Kahrs, and Trimmer as conferees on part of the House.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2003**, **HB 2008**, **HB 2048**, **HB 2064** were thereupon introduced and read by title.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1706—

A RESOLUTION commemorating the 11<sup>th</sup> Anniversary of National Wear Red Day.

WHEREAS, Heart disease is the number one killer of women, yet is often preventable; and

WHEREAS, Cardiovascular diseases cause one in three women's deaths each year, killing approximately one woman every minute; and

WHEREAS, An estimated 43 million women in the United States are affected by cardiovascular diseases; and

WHEREAS, Heart disease kills more women than all forms of cancer combined, but is often undiagnosed; and

WHEREAS, Ninety percent of women have one or more risk factors for developing heart disease, yet only one in five American women believes that heart disease is her greatest health threat; and

WHEREAS, Women comprise only 24% of participants in all heart-related studies; and

WHEREAS, Since 1984, more women than men have died each year from heart disease and the gap between men's and women's survival continues to widen; and

WHEREAS, Women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than they are if someone else was having a heart attack; and

WHEREAS, The American Heart Association's Go Red for Women movement has been impacting the health of women for 11 years. More than 627,000 women's lives have been saved and 330 fewer women are dying every day; and

WHEREAS, In celebration of the 11<sup>th</sup> Anniversary of National Wear Red Day on February 5, 2015, Go Red for Women is asking all women across America to 'Go Red' by wearing red and speaking about awareness. Women can prevent heart disease by: Asking their doctors to check their blood pressure and cholesterol; stopping smoking, losing weight, exercising and eating healthy; realizing their risk, since heart disease is the cause of one in three female deaths each year; making healthy food choices for themselves and their families and teaching their children the importance of staying active; and by telling every woman they know that heart disease is their number one killer; and

WHEREAS, By increasing awareness, speaking up about cardiovascular disease and empowering women to reduce their risk, thousands of women's lives can be saved each year: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commemorate the 11<sup>th</sup> Anniversary of National Wear Red Day and urge all citizens to show their support for women and the fight against heart disease by wearing the color red.

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator McGinn.

On emergency motion of Senator McGinn **SR 1706** was adopted by voice vote.

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

SENATE RESOLUTION No. 1707—

A RESOLUTION recognizing 50 years of black state senators in Kansas and honoring George W. Haley, the first elected black state senator in Kansas.

WHEREAS, February of each year is designated "Black History Month" in the United States, and, in Kansas, Governor Sam Brownback has also designated the same, urging all Kansans to recognize accomplishments and contributions to Kansas made by people of color; and

WHEREAS, The 1965 session of the Kansas State Legislature was the first time in history that blacks would serve in the Kansas Senate, a legislative body that first commenced upon Statehood in 1861; and

WHEREAS, George Williford Boyce Haley was born on August 28, 1925, in Henning, Tennessee. After serving in World War II in the U.S. Air Force, George Haley attended Morehouse College with fellow student Martin Luther King, Jr. and became one of the first African-Americans to graduate from the University of Arkansas School of Law. George Williford Boyce Haley, a Republican Kansas City attorney and resident of Wyandotte County, and Democrat Curtis McClinton, Sr., a realtor from Wichita and member of the Kansas House of Representatives, were both elected to the Kansas Senate in the general election held in November, 1964. Haley was officially accorded first-elected status because his district number, 11, numerically preceded McClinton's district number, 26. Haley's last name alphabetically precedes McClinton's and Wyandotte County election officials reported election results to the Secretary of State's office before Sedgwick County election officials reported results; and

WHEREAS, Haley joined the firm of Stevens, Jackson and Davis in Kansas City, Kansas, who provided legal assistance in the landmark civil rights case, *Brown v. Board of Education in Topeka, Kansas*. Haley then served as Deputy City Attorney in Kansas City, Kansas; and

WHEREAS, In the Kansas Legislature, Senator George Haley was an advocate for personal liberties and social equity, and a visionary for inclusion. He was often not supported by fellow members of the Kansas Senate, including members from his own political party. A noted example of putting principles above partisan or popular politics was his near-solo support for fair and equal housing; and

WHEREAS, Haley went on to serve in six United States presidential administrations. He served as Chief Counsel of the Federal Transportation Administration under President Nixon, Associate Director for the Equal Employment Opportunity Commission at the U.S. Information Agency and General Counsel and Congressional Liaison under President Ford, Senior Advisor to the U.S. delegation of the United Nations Educational, Scientific and Cultural Organization under President Reagan, Chairman of the Postal Rate Commission under President George H.W. Bush and, under President Clinton, as the U.S. Ambassador to the Republic of The Gambia in West Africa, from whence Haley's forefather Kuntah Kinteh was brought to America; and

WHEREAS, Haley now lives in Silver Spring, Maryland, with his wife of 60 years, Doris; and

WHEREAS, Over the last 50 years, beginning with George W. Haley, only eight other black people have served in the Kansas State Senate: Curtis R. McClinton; Bill McCray; Eugene Anderson; U.L. "Rip" Gooch; Sherman J. Jones; David B. Haley;

Donald Betts Jr.; and Oletha Faust-Goudeau. Edward Sexton Jr. held the honorary title of Kansas State Senator, but did not serve: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we do hereby honor and recognize the half century of elected Afri-Kansans in this Chamber, cognizant during Black History Month of their contributions to the greatness of our state. We especially acknowledge the accomplishments of our first elected black member, George W. Haley, who, through determination, hard work and the grace of God, broke numerous barriers to become a distinguished and inspiring American statesman.

*Be it further resolved:* That the Secretary of the Senate shall send two enrolled copies of this resolution to Ambassador George W. Haley.

On emergency motion of Senator Haley **SR 1707** was adopted by voice vote.

### **SPECIAL REMARKS**

This morning in the Statehouse's new Visitor's Center, Gov. Brownback signed a proclamation recognizing Black History Month in Kansas. We are all called upon to recognize the accomplishments and contributions African-Americans have made, and continue to make to our great State during February. As **SR 1707** details, this year marks only the 50th (of Kansas' 154) Sessions in which Kansas could boast of an elected black Senator. I am especially humbled and proud that this half-century of service was started with the swearing in of my own father, George W. Haley, here in this very Chamber in January of 1965. There's a picture of that moment here on my desk at what was that historic day with me and my sister Anne on his knee, my mother Doris, my Uncles Julius and Alex Haley, my grandfather Simon Haley and my Aunt Virginia Hannon. Only eight others of color have since served. I will read their names and ask each of us to recall the distinction with which they have served over the last half-century in the Kansas Senate. (Names were read. One, Darryl Gray, was inadvertently omitted.) Thank you, Mr. Vice President.—DAVID HALEY

### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator Masterson moved the Senate concur in House amendments to **H Sub SB 4**.

**H Sub SB 4**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2015, and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2014 Supp. 72-8814, 74-4914d, 74-4920 and 74-50,107 and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 13; Present and Passing 0; Absent or Not Voting 3.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Kerschen, King, LaTurner, Longbine, Love, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Smith, Wagle, Wilborn.

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Knox, McGinn, Pettey, Pyle, Schmidt, Tyson.

Absent or Not Voting: Hawk, Lynn, Wolf.

The Senate concurred.

## EXPLANATION OF VOTE

MR. VICE PRESIDENT: I recognize that the state must find revenue to pay its bills this month and set aside the money to cover some increased expenses. The state employees who have not been given a raise for many years are being required to contribute more of their salary to the KPERs retirement fund, reducing their take-home pay. Yet, in the debate on this bill, it was claimed that reducing the state employer contributions to that same fund won't even be noticed. We are transferring money identified for specific purposes including the Children's Initiatives Fund, the State Highway Fund, the Kansas Highway Patrol Operations Fund, and the Underground Storage Tank Redevelopment Fund to shore up general fund expenses. We are asking state agencies to take another across-the-board cut. This bill is asking some Kansans to take the hit to pay for the cost of services that should be shared more equitably by us all. I vote "NO" on **H Sub for SB 4**.—MARCI FRANCISCO

MR. VICE PRESIDENT: It is with the greatest of reservations I cast an affirmative vote on this measure. As a fiscal conservative, this measure strikes me as wholly inadequate. We cannot continue to meet our budget obligations by delaying KPERs payments, transferring funds from our highway program and postponing revenue owed by the state to local schools. Yet we must pay our bills this month and this is the only alternative before the Senate. In the remaining days of this session, we must have real discussions about a balanced, sustainable budget based on revenues to meet our obligations and provide the services that Kansans expect and deserve.—JEFF LONGBINE

MR. VICE PRESIDENT: I vote no on this measure as it fails to meet the test of fiscal responsibility. I am growing weary of state policy that continues to shift responsibility to local units of government, robs more money from KDOT and makes our KPERs liability even greater. Yet we must pay our bills this month and the measure before us is the only alternative we've been given. Many of us supported the TWORKS program and now we've taken so much money from this program that the program will be adversely affected. Road maintenance will suffer. We must cease this practice of shifting money away from the top job-creating program in our state. I look forward to an honest debate in this session about the realities of our revenue picture and the budget priorities of our citizens.—CAROLYN MCGINN

Senators Kelly and Schmidt requests the record to show they concur with the Explanation of Vote offered by Senator McGinn on **H Sub SB 4**.

MR. VICE PRESIDENT: I cannot in good conscience support a bill that has an \$800,000 deficit below 0 for 2015 and does not address the underlying problem, an unsustainable and inequitable tax policy. We have put at risk our state, our security, our children, and our future. I vote "NO" on **H Sub SB 4**.—PAT PETTEY

Senator Kelly requests the record to show that she concurs with the Explanation of Vote offered by Senator Pettey on **H Sub SB 4**.

**ORIGINAL MOTION**

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **HCR 5002**.

The Vice President appointed Senators King, Bruce and Hensley as conferees on the part of the Senate.

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 12** be amended on page 2, in line 12, after "(E)" by inserting "community corrections officer or"; also in line 12, by striking the second "court services"; in line 13, by striking "court services"; in line 28, after "(E)" by inserting "community corrections officer or"; also in line 28, by striking the second "court services"; in line 29, by striking "court services";

On page 3, in line 15, after "(E)" by inserting "community corrections officer or"; also in line 15, by striking the second "court services"; in line 16, by striking "court services"; in line 29, after "(E)" by inserting "community corrections officer or"; also in line 29, by striking the second "court services"; in line 30, by striking "court services";

On page 5, in line 11, by striking "and Rainbow mental health"; in line 12, by striking "facility"; in line 14, by striking "an employee of a contractor who is" and inserting "contractors and employees of contractors"; in line 20, after "a" by inserting ": (A)"; also in line 20, after the second comma by inserting "special assistant county attorney,"; in line 21, after the second "attorney," by inserting "special assistant district attorney,"; also in line 21, by striking "or" and inserting a comma; in line 22, after "general" by inserting "or special assistant attorney general; and (B) public defender, assistant public defender, contract counsel for the state board of indigents' defense services or an attorney who is appointed by the court to perform services for an indigent person as provided by article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

(9) "community corrections officer" means an employee of a community correctional services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs";

Also on page 5, in line 23, by striking "(9)" and inserting "(10)";

And the bill be passed as amended.

Also, **SB 13** be amended on page 2, in line 9, after "commission;" by inserting "and"; in line 10, by striking the "; and"; in line 11, by striking "(6) the juvenile justice authority"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 57** be passed.

Also, **SB 44** be amended on page 1, in line 16, by striking the second "and" and inserting a comma; and the bill be passed as amended.

**SB 58** be amended on page 1, in line 10, after "44-556," by inserting "59-29a01 et seq.,"; and the bill be passed as amended.

**SB 22** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Natural Resources** recommends **SB 52** be amended on page 1, in line 11, after the first "of" by inserting "water reservation rights held by"; also in line 11, by striking "or that has been released"; by striking all in line 12; in line 13, by striking "government"; in line 17, by striking "pursuant to an"; in line 18, by striking "agreement between the state and federal government" and inserting "water reservation rights held by the state of Kansas"; in line 22, before "allow" by inserting "within the

rattlesnake creek subbasin located in hydrologic unit code 11030009,"; in line 23, by striking "available" and inserting "such replacement is available and offered voluntarily"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, February 6, 2015.

# Journal of the Senate

NINETEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, February 6, 2015, 8:00 a.m.

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

The roll was called with 26 senators present.

Senators Abrams, Arpke, Baumgardner, Faust-Goudeau, Haley, Holland, Longbine, Lynn, Masterson, Melcher, O'Donnell, Olson, Pettey and Wolf were excused.

Invocation by Father Don Davidson:

For some, dear Lord, it is curly and for others long and straight...for a few it is crafted with great artistry and for others it is more of a fantasy. Some have bad days while others have no days without the despair of watching changes from black or brown or red or blonde to a mixture of more than 50 shades of gray. Hats provide comfort, shelter, padding or invisibility...medicine and sickness cause havoc and obscurity. Maturity is not always insurance that cowlicks and oddities will play nicely together, and sprays, gels and all kinds of assistance seldom mask the reality of multi-year existence. The wind may take away what was here today, so help us Lord, to know that beyond the primping, combing and all matter of extension there is no match to the inside of a person, for there in lies the substance without need of pretension. Thank you Lord. 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 167**, AN ACT concerning workers compensation; amending K.S.A. 2014 Supp. 44-510d and 44-510e and repealing the existing sections, by Committee on Commerce.

**SB 168**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; revenue bonds to finance a portion of unfunded actuarial liability of KPERS; requirements and procedures, by Senate Select Committee on KPERS.

**SB 169**, AN ACT naming the channel catfish the state fish, by Committee on Agriculture.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 154**.

Education: **HB 2008**.

Ethics and Elections: **SB 163; SCR 1602.**  
 Federal and State Affairs: **SB 166.**  
 Financial Institutions and Insurance: **SB 155; HB 2064.**  
 Judiciary: **SB 157, SB 158, SB 159, SB 160, SB 165; HB 2048.**  
 Local Government: **HB 2003.**  
 Natural Resources: **SB 156.**  
 Transportation: **SB 164.**  
 Ways and Means: **SB 161, SB 162.**

### COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF COMMERCE  
 February 2, 2015

Deputy Secretary for Public Affairs Dan Lara submitted the 2014 STAR Bonds Annual Report.

DEPARTMENT OF ADMINISTRATION  
 February 4, 2015

State LTC Ombudsman Barbara J. Hickert submitted the Long-Term Ombudsman Annual Report for State Fiscal Year 2014.

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

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Kelly, Hensley, Love and Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1708—

A RESOLUTION commemorating the 150<sup>th</sup> Anniversary  
 of Washburn University in Topeka, Kansas.

WHEREAS, Washburn University was established by the General Association of Congregational Ministers and Churches of Kansas on February 6, 1865, as Lincoln College to promote the dissemination of knowledge and the advancement of virtue and religion; and

WHEREAS, Washburn University afforded to all classes, without distinction of color or gender, the advantages of a liberal education to fit them for positions of responsibility and usefulness; and

WHEREAS, Classes began on January 3, 1866, with 22 men, including one African-American, and 16 women students; and

WHEREAS, In acknowledgment of a generous gift by Ichabod Washburn of Worcester, Massachusetts, the trustees renamed the school in his honor on November 19, 1868; and

WHEREAS, The University moved to its present location in 1874 with the construction of Rice Hall on 160 acres southwest of town; and

WHEREAS, The Law School began in 1903 and continues to prepare high quality attorneys; and

WHEREAS, Topeka voters approved a property tax to support Washburn University in 1941; and

WHEREAS, Washburn University rose from the debris of a devastating tornado on June 8, 1966; and

WHEREAS, The Schools of Business, Nursing, and Applied Studies were added in 1973, 1974 and 1983, respectively; and

WHEREAS, In 1999, the Legislature authorized conversion from a property tax to a sales tax; and

WHEREAS, Campus was transformed to offer residential experiences with the opening of the Living Learning Center in 2000 and Washburn Villages in 2004; and

WHEREAS, In 2008, Kaw Area Technical School affiliated with the University to become the Washburn Institute of Technology; and

WHEREAS, Washburn University students hail from all 50 states and 40 countries; and

WHEREAS, Washburn University's athletics program began with baseball in 1879, followed by football in 1891. In 1905, Washburn University's football team played the first game where the forward pass was thrown; and

WHEREAS, Washburn University basketball was first played by women in 1901 and men in 1906. National championships were won in 1925, 1987 and 2005; and

WHEREAS, Graduate Earl Sutherland was recognized as a giant in the field of molecular biology with his 1971 Nobel Prize in Physiology or Medicine; and

WHEREAS, More than 42,000 alumni are proud to call Washburn University their alma mater; whose graduates include clergy, heads of state, leaders of industry, great humanitarians, gifted scientists and attorneys, whose work has improved the quality of life for people worldwide; and

WHEREAS, Shawnee county benefits from more Washburn graduates than any other university graduates; and

WHEREAS, Washburn University's commitment to education has emphasized teaching and learning and working in partnership with various communities to prepare global citizens: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commend and celebrate the 150<sup>th</sup> Anniversary of Washburn University at Topeka. Washburn University provides students of Kansas with incredible educational opportunities, and we urge all Kansans to celebrate its success.

*Be it further resolved:* That the Secretary of the Senate shall send 25 enrolled copies of this resolution to Senator Kelly.

On emergency motion of Senator Kelly **SR 1708** was adopted by voice vote.

The following guests were introduced: Dr. Jerry Farley, President; Pam Trusdale, Bill Sneed, Blanche Parks, Juli Ann Mazachek, Dan Hutchins, Cynthia Heath, Julie Olson, Denise Ottinger, Cynthia Hornberger, Amanda Hughes, Cassandra White, Randi McAfee, Blake Porter, Damian Barron, Natasha Martinez and Malcom Mikkelsen.

Senators honored the guests with a standing ovation.

**REPORTS OF STANDING COMMITTEES**

Committee on **Judiciary** recommends **SB 74** be amended on page 2, in line 7, by striking "On and after July 1, 2015, through June 30, 2020,"; by striking all in lines 23 through 36; and the bill be passed as amended.

**TRIBUTES**

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 2-6, 2015:

Senator Faust-Goudeau: recognizing the Grant Chapel A.M.E. Church for hosting the 2015 Founder's Day Celebration;

Senator Kerschen: congratulating Micayla Gutierrez on winning first place in the "If I were mayor, I would..." essay contest; and

Senator Love: congratulating Jeri Trisler on her retirement and service to the Ford County Treasurer's Office.

On motion of Senator Bruce, the Senate adjourned until 1:30 p.m., Monday, February 9, 2015.

# Journal of the Senate

TWENTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 9, 2015, 1:30 p.m.

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

The roll was called with 27 senators present.

Senators Donovan, Faust-Goudeau, Haley, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Ostmeyer, Petersen, Powell and Wagle were excused.

Invocation by Father Don Davidson:

Dear Lord, according to Will Rogers even when we are on the right track we still might get in trouble. As we begin another week and walk the halls of this venerable building, let us take a moment to see the faces and consider the motivation of others. It is only when we seek to understand that we can ever fully be understood. With your help and in your name we pray. Amen

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 170**, AN ACT concerning electric utilities; relating to the regulation of carbon dioxide emissions; concerning development of a state implementation plan, legislative approval; state corporation commission; department of health and environment, by Committee on Utilities.

**SB 171**, AN ACT concerning elections and voting; relating to certain municipalities and special districts; amending K.S.A. 2-623, 12-344, 12-363, 13-1220, 13-1221, 19-2680, 19-2760, 19-3505, 19-3507, 24-504, 25-202, 25-209, 25-210, 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, 25-2804, 25-3503, 71-1408, 71-1412, 71-1413, 71-1414, 71-1419, 72-8008 and 80-2508 and K.S.A. 2014 Supp. 2-624, 24-412, 24-414, 24-459, 24-506, 25-205, 25-213, 25-611, 25-618, 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, 12-1038, 19-

2762 and 71-1417, by Committee on Ethics and Elections.

**SB 172**, AN ACT concerning insurance; enacting the patient right to shop act, by Committee on Public Health and Welfare.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 167**.

Natural Resources: **SB 169**.

Senate Select Committee on KPERS: **SB 168**.

### COMMUNICATIONS FROM STATE OFFICERS

CENTRAL INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMMISSION  
February 4, 2015

Chair Jon A. Roberts submitted the annual report for fiscal year ending June 30, 2014.

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.

### REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 51** be amended on page 4, in line 11, by striking "On and after July 1, 2015, through July 1, 2017,";

On page 7, in line 2, by striking "On and after July 1, 2015, through July 1,"; in line 3, by striking "2017,"; in line 25, by striking "On and after July 1, 2015, through July 1, 2017,";

On page 11, in line 3, by striking "On and"; in line 4, by striking "after July 1, 2015, through July 1, 2017,";

On page 15, in line 31, by striking "On and after"; in line 32, by striking "July 1, 2015, through July 1, 2017,";

On page 18, in line 10, by striking "On and after July 1, 2015, through July 1,"; in line 11, by striking "2017,";

On page 19, in line 11, by striking "On and after July 1,"; in line 12, by striking "2015, through July 1, 2017,";

On page 20, in line 37, by striking "On and after July 1, 2015, through July 1, 2017,";

On page 21, in line 4, by striking "On and after July 1,"; in line 5, by striking "2015, through July 1, 2017,";

On page 22, in line 4, by striking "on and after July 1, 2015, through July 1, 2017,";

On page 23, in line 6, by striking "On and after July 1, 2015, through July 1, 2017,";

On page 24, in line 33, by striking "On and after July 1, 2015, through July 1,"; in line 34, by striking "2017,";

On page 25, in line 1, by striking "On and after July 1,"; in line 2, by striking "2015, through July 1, 2017,";

On page 27, in line 8, by striking "On and after July 1, 2015, through July 1, 2017,";

On page 29, in line 18, by striking "On and after July 1,"; in line 19, by striking "2015, through July 1, 2017,";

On page 30, in line 37, by striking "On and after July 1, 2015, through July 1, 2017,";  
On page 31, in line 32, by striking "On and after July 1, 2015, through July 1, 2017,";  
On page 32, in line 3, by striking "On and after"; in line 4, by striking "July 1, 2015, through July 1, 2017,";

On page 34, in line 5, by striking "On and after July 1, 2015,"; in line 6, by striking "through July 1, 2017,";

On page 35, in line 8, by striking "On and after July 1, 2015, through July 1, 2017,"; in line 25, by striking "On and after July 1, 2015, through July 1, 2017,"; in line 40, by striking "On and after July 1, 2015, through July 1, 2017,"; and the bill be passed as amended.

#### **REPORT ON ENROLLED BILLS**

**SR 1706, SR 1707, SR 1708** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 9, 2015.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 10, 2015.

# Journal of the Senate

TWENTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 10, 2015, 2:30 p.m.

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

The roll was called with 40 senators present.

The Vice President introduced the guest Chaplain, Reverend Canon George Wiley, Episcopal Diocese of Kansas, who delivered the invocation, adapted from The Book of Common Prayer of the Episcopal Church.

O Lord our Governor, you have given us this good state of Kansas for our heritage: give to the Senators of this chamber, and those who assist them, the courage of King David, the wisdom of King Solomon, and the patience of Job as they provide for the needs of all our people and fulfill their obligations under the Constitution of the State of Kansas. Give them pardon when they make mistakes and hope when problems seem intractable. Grant that they and all the people of Kansas may have grace to maintain our liberties in righteousness and peace; through Jesus Christ our Lord, who lives and reigns with you and the Holy Spirit, one God, for ever and ever. 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 173**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Korean war, operation desert storm, operation Iraqi freedom and operation enduring freedom license plates; amending K.S.A. 2014 Supp. 8-1,141 and 8-1,147 and repealing the existing sections, by Committee on Transportation.

**SB 174**, AN ACT concerning motor vehicles; relating to license plates; fees; license plate manufacturing fee fund; amending K.S.A. 2014 Supp. 8-147 and repealing the existing section, by Committee on Transportation.

**SB 175**, AN ACT concerning postsecondary education; relating to the exercise of religious beliefs by student associations, by Committee on Ways and Means.

**SB 176**, AN ACT concerning school districts; relating to the professional negotiations act; relating to limits on negotiations with professional employees' organizations; amending K.S.A. 72-5420, 72-5422, 72-5423, 72-5426, 72-5428a and 72-5430 and K.S.A. 2014 Supp. 45-229, 72-5413, 72-5430a, 72-5432 and 77-618 and repealing the existing sections; also repealing K.S.A. 72-5424, 72-5428, 72-5429 and 72-5431 and K.S.A. 2014 Supp. 72-5427, by Committee on Ways and Means.

**SB 177**, AN ACT concerning elections; relating to citizenship requirements for voter registration; amending K.S.A. 2014 Supp. 25-2309 and repealing the existing section, by Senator Hensley.

**SB 178**, AN ACT concerning property taxation; relating to valuation of real property; amending K.S.A. 2014 Supp. 79-1476 and repealing the existing section, by Committee on Ways and Means.

**SB 179**, AN ACT concerning public employees; relating to the public employer-employee relations act; amending K.S.A. 75-4321, 75-4322, 75-4324, 75-4326, 75-4328, 75-4329, 75-4335 and 75-4337 and K.S.A. 2014 Supp. 75-4327, 75-4330, 75-4332, 75-4333 and 75-4334 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 75-4323 and 75-5713, by Committee on Ways and Means.

**SB 180**, AN ACT concerning health maintenance organizations; relating to the privilege fees; creating the medical assistance fee fund; amending K.S.A. 2014 Supp. 40-3213 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 181**, AN ACT concerning restrictions of patient access to prescription-only drugs under medicaid; amending K.S.A. 2014 Supp. 39-7,120 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 182**, AN ACT concerning the department of health and environment; relating to the inspector general's employee status; amending K.S.A. 2014 Supp. 75-7427 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 183**, AN ACT concerning debtors of the state; relating to debts owed to courts; amending K.S.A. 75-6209 and K.S.A. 2014 Supp. 75-719, 75-6202, 75-6204 and 75-6210 and repealing the existing sections, by Committee on Judiciary.

**SB 184**, AN ACT concerning the code of civil procedure; relating to judgments; dormancy; amending K.S.A. 2014 Supp. 60-2403 and repealing the existing section, by Committee on Judiciary.

**SB 185**, AN ACT concerning sexually violent predators; relating to reimbursement for costs incurred by counties, by Committee on Judiciary.

**SB 186**, AN ACT regulating traffic; relating to transportation network companies, transportation network company services, regulation, by Committee on Assessment and Taxation.

**SB 187**, AN ACT concerning rural opportunity zones; extending the student loan payment program and income tax credit; amending K.S.A. 2014 Supp. 74-50,223 and 79-32,267 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 188**, AN ACT concerning school districts; relating to the Kansas uniform financial accounting and reporting act; relating to publication requirements; amending K.S.A. 2014 Supp. 72-8254 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 189**, AN ACT concerning the Kansas veterinary practice act; relating to licensure; providing for an institutional license to practice veterinary medicine; amending K.S.A. 47-815, 47-817 and 47-829 and K.S.A. 2014 Supp. 47-822 and 47-830 and repealing the existing sections, by Committee on Agriculture.

**SB 190**, AN ACT concerning boating safety education; relating to sailboats; approved course of instruction; amending K.S.A. 32-1139 and repealing the existing section, by Committee on Commerce.

**SB 191**, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal discharge of a firearm; sentencing; amending K.S.A. 2014 Supp. 21-6308 and 21-6804 and repealing the existing sections, by Committee on Judiciary.

**SB 192**, AN ACT concerning gaming; amending K.S.A. 74-8836 and K.S.A. 2014 Supp. 74-8744, 74-8746, 74-8747 and 74-8751 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:

Ethics and Elections: **SB 171**.

Financial Institutions and Insurance: **SB 172**.

Utilities: **SB 170**.

#### **MESSAGES FROM THE GOVERNOR**

**H Sub SB 4** approved on February 10, 2015.

#### **COMMUNICATIONS FROM STATE OFFICERS**

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

February 10, 2015

Policy Analyst and Legislative Liaison Brianna Landon submitted the Senator Stan Clark Pregnancy Maintenance Initiative Report.

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

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2101**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2101** was thereupon introduced and read by title.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Kerschen and Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1709—

A RESOLUTION designating February 10, 2015,  
as Multiple Sclerosis Awareness Day at the Capitol.

WHEREAS, Multiple sclerosis (MS) 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 someone is newly diagnosed in the United States; and

WHEREAS, The Mid America Chapter of the National Multiple Sclerosis Society reports that MS affects an estimated 2.5 million people worldwide, 400,000 nationwide and over 4,600 Kansans; and

WHEREAS, Often first diagnosed in individuals aged 20 to 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 Kansas City, Hays, Hiawatha, Hutchinson, Lawrence, Manhattan, Neodesha, Salina, Topeka and Wichita; and

WHEREAS, On February 10, 2015, the National MS Society will sponsor MS Awareness Day at the Kansas State Capitol; 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 February 10, 2015, as Multiple Sclerosis Awareness Day at the Capitol to raise awareness for this disease that has no known cause and no known cure. 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.

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

On emergency motion of Senator Kerschen **SR 1709** was adopted by voice vote.

Guests introduced included Dr. Sharon Lynch, Brent Kirkhart, Courtney Eiterich and Marcillene Dover.

Senators honored the guests with a standing ovation.

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

SENATE RESOLUTION No. 1710—

A RESOLUTION congratulating and commending  
the Rossville High School football team.

WHEREAS, The Rossville High School football team is the 2014 Class 3A undefeated State Champion; and

WHEREAS, The Bulldogs, coached by head coach Derick Hammes, finished the season with a record of 14 wins and 0 losses and won its first ever state championship with a 21-14 victory over Scott Community High School. The road to 2014 3A state championship was filled with some of Kansas' best small class football programs. In the regular season, Rossville defended and won its second consecutive Mid East League championship with an unblemished record. The playoff march was equally as challenging as Rossville beat three tradition-rich programs in reaching only the 2<sup>nd</sup> state championship appearance in school history. In consecutive weeks, Rossville defeated programs from Centralia, Pittsburg and Silver Lake with coaches who have recorded multiple state championships. The victory over Silver Lake was the first post-season

victory over Rossville's arch rival in school history. The state championship game marked the battle of unbeaten teams as the Bulldawgs played four-time state champion Scott City. Facing its first deficit of the season, Rossville scored 14 unanswered points in the final 8 minutes of the game to claim the victory; and

WHEREAS, The team's success was due to tremendous commitment and included several remarkable achievements. The championship team consisted of team captains Nick Reesor, Corbin Horak, Terrence Sowers, Thatcher Horak and Tucker Horak. Team members included: Trevor Balch, Paul Borcharding, Nick Brummer, Alex Cavanaugh, Kole Daveren, Ty Dick, Nathan Dohrman, Wyatt Dyche, Eric Ebert, Jared Ebert, T.J. Fiedler, Derek Gentry, Bryce Gfeller, Malcolm Gillum, Dawson Hammes, Lee Hester, Sheldon Hulbert, Chayne Hulbert, Holden Hurla, Kody Hurla, Luke Hurtig, Jerrett Ingwerson, Zach Jensen, Jordan Johnston, Caleb Lovejoy, Isaiah Luellen, Isaac Luellen, Gabe Marney, Matheus Matumoto, Reed Miller, Riley Miller, Jared Morris, Caiden Musick, Kyle Parr, Austin Ramey, Christian Roduner, Clayton Rubio, Tyler Sage, Lake Schultz-Pruner, Jack Steckel, Paul Steinke, Joao Uezono and Ethan Woodcock. The team was managed by Brianna Ebert, Riley Faulk, Chris Johnston, Remington Wehner and Cody York. The team was coached by Dan Schneider, Jeremy Stephenson, Ian Peters and Brad Anderson; and

WHEREAS, Head coach Derick Hammes was recently named the Topeka Capital Journal State Coach of the Year, Sports in Kansas All Class Coach of the Year and the Kansas Football Coaches Association 3A Coach of the Year: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Rossville Bulldawg football team for winning the 2014 Class 3A state football championship.

*Be it further resolved:* That the Secretary of the Senate shall send five enrolled copies of this resolution to Mr. Toby McCullough, Principal of Rossville High School.

On emergency motion of Senator Kelly **SR 1710** was adopted by voice vote.

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 24** be passed.

Also, **SB 6** be amended on page 1, in line 34, after "persons." by inserting "Local law enforcement officers and agencies may charge a fee as reimbursement for expenses incurred in taking and processing fingerprints under this section.";

On page 2, in line 17, after "person." by inserting "Local law enforcement officers and agencies may charge a fee as reimbursement for expenses incurred in taking and processing fingerprints under this section."; and the bill be passed as amended.

**SB 61** be amended on page 3, in line 32, after "tab" by inserting "ticket";

On page 4, in line 22, after "act." by inserting "No person under 18 years of age is eligible to claim a prize under the Kansas lottery act.";

On page 7, by striking all in lines 7 through 14; and the bill be passed as amended.

**SB 62** be amended on page 5, in line 10, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 34** be passed.

Also, **SB 39** be amended on page 21, in line 6, after "families," by inserting "Kansas department for aging and disability services,"; and the bill be passed as amended.

**SB 105** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 5** be amended on page 1, in line 12, after "highway" by inserting ", except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs"; and the bill be passed as amended.

Also, recommends **SB 72** be amended on page 1, by striking all in lines 22 through 26; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 162** be passed.

Also, **SB 7** be amended on page 1, in line 10, by striking "an" and inserting "any state agency or any"; in line 11, after the semicolon by inserting "and"; in line 12, by striking all after "(2)"; by striking all in lines 13 through 15; in line 16, by striking "(3)"; in line 17, by striking "an" and inserting "any state agency or any"; in line 18, by striking the semicolon; in line 19, by striking "and"; by striking all in line 20; in line 21, by striking all before the period; and the bill be passed as amended.

**SB 161** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

#### **REPORT ON ENROLLED BILLS**

**H Sub SB 4** reported correctly enrolled, properly signed and presented to the Governor on February 10, 2015.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 11, 2015.

# Journal of the Senate

TWENTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 11, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

Our English language can befuddle the most able scholar, and while never spoken by Moses, Jesus, Buddha or Mohammed, the language brings our many faiths to life. We can easily get wound-up in the wounds that the wrong word brings, and flummoxed with mismatched syntax. In our prayers, in our most personal inner thoughts, Dear Lord, help us to pray with our hearts for that is the language you truly understand, the sharing of ourselves. In your name, Amen

The Pledge of Allegiance was led by President Susan Wagle.

## POINT OF PERSONAL PRIVILEGE

Senator McGinn rose on a Point of Personal Privilege to introduce Abbey Pomeroy, Miss Rodeo Kansas 2015. Abbey is the daughter of Jerry and Dixie Pomeroy of Hesston and is a graduate of KSU with a degree in Interior Design. As Miss Rodeo Kansas she will travel the state and country promoting the sport and the western way of life. When not on horseback, Abbey can be found creating leather creations or rock climbing, canyoneering and exploring Kansas.

Senators honored Abbey with a standing ovation.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 193**, AN ACT concerning postsecondary educational institutions; relating to degree program transparency, by Committee on Ways and Means.

**SB 194**, AN ACT concerning school districts; creating the Kansas public school security act, by Committee on Corrections and Juvenile Justice.

**SB 195**, AN ACT concerning the Kansas family law code; relating to the enforcement of support orders; reporting of support arrearages to consumer credit reporting agencies; distribution of support payments; rules and regulations; amending K.S.A. 2014 Supp. 23-3121 and 23-3123 and repealing the existing sections, by Committee on Judiciary.

**SB 196**, AN ACT concerning public safety; relating to peer support counseling sessions, by Committee on Judiciary.

**SB 197**, AN ACT concerning attorneys; relating to the supreme court nominating commission and judicial district nominating commissions; selection of chairperson and members; applicability of open meetings act; attorney licensure and information; applicability of open records act; amending K.S.A. 20-122, 20-123, 20-128, 20-130, 20-132, 20-2904 and 20-2907 and K.S.A. 2014 Supp. 7-127 and repealing the existing sections, by Committee on Judiciary.

**SB 198**, AN ACT concerning the department of labor; relating to the state directory of new hires; amending K.S.A. 2014 Supp. 75-5742 and 75-5743 and repealing the existing sections, by Committee on Judiciary.

**SB 199**, AN ACT concerning income taxation; relating to credit for dependent care expenses necessary for gainful employment, by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly and Pettey.

**SB 200**, AN ACT concerning income taxation; relating to the earned income tax credit; amending K.S.A. 2014 Supp. 79-32,205 and repealing the existing section, by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly and Pettey.

**SB 201**, AN ACT concerning the open records act; relating to public records and personal electronic devices; amending K.S.A. 2014 Supp. 45-217 and repealing the existing section, by Senator Hensley.

**SB 202**, AN ACT concerning insurance; relating to certain health plans; pertaining to patient co-payments and co-insurance fees; exception to formulary request process, by Committee on Financial Institutions and Insurance.

**SB 203**, AN ACT concerning the sale of cigarettes and tobacco products; relating to regulations, licensure and taxation; dealing with crimes, penalties and fines; amending K.S.A. 79-3304, 79-3309, 79-3323, 79-3324a, 79-3374 and 79-3378 and K.S.A. 2014 Supp. 79-3301, 79-3302, 79-3303, 79-3311, 79-3312, 79-3316, 79-3321, 79-3322, 79-3333, 79-3335, 79-3387, 79-3391, 79-3392 and 79-3393 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 204**, AN ACT concerning the revised Kansas code for care of children; relating to visitation; amending K.S.A. 2014 Supp. 38-2255 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 205**, AN ACT concerning the regional system of cooperating libraries; amending K.S.A. 2014 Supp. 75-2550 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 206**, AN ACT concerning public agencies; relating to the state of Kansas and local units of government; providing certain powers to the attorney general for investigation of violations of the open records act and the open meetings act; open government fund; amending K.S.A. 45-223, 45-228 and 75-4320a and K.S.A. 2014 Supp. 45-222, 75-4320 and 75-4320b and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 207**, AN ACT concerning employment; requiring employers to allow leave for certain purposes; parents attending court pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code; duties of secretary of labor; amending K.S.A. 2014 Supp. 44-1133 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 208**, AN ACT concerning public employment; relating to wage discrimination on the basis of sex; study by secretary of administration, by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly and Pettey.

**SB 209**, AN ACT repealing K.S.A. 2014 Supp. 16-2001, 16-2002, 16-2003, 16-2004 and 16-2005; concerning certain labor agreements for public works construction projects; relating to prohibiting agencies and municipalities from requiring contractors to make such agreements, by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly and Pettey.

**SB 210**, AN ACT concerning employment; relating to employment requirements in certain state contracts; employment requirements for certain tax benefits; amending K.S.A. 2014 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, Hawk, Holland and Pettey.

**SB 211**, AN ACT concerning technical professions; relating to scope of practice; amending K.S.A. 2014 Supp. 74-7003, 74-7031, 74-7032, 74-7033, 74-7034 and 74-7040 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 189**.

Assessment and Taxation: **SB 178, SB 187**.

Commerce: **SB 179**.

Education: **SB 176, SB 188**.

Ethics and Elections: **SB 177**.

Federal and State Affairs: **SB 192**.

Financial Institutions and Insurance: **SB 186**.

Judiciary: **SB 175, SB 183, SB 184, SB 185, SB 191; HB 2101**.

Public Health and Welfare: **SB 180, SB 181, SB 182**.

Transportation: **SB 173, SB 174, SB 190**.

### MESSAGES FROM THE GOVERNOR

February 10, 2015

*Message to the Senate of the State of Kansas*

Enclosed herewith is Executive Order No. 15-01 for your information.

SAM BROWNBACK  
*Governor*

*Message to the Senate of the State of Kansas:*

Enclosed herewith is Executive Order No. 15-02 for your information.

SAM BROWNBACK  
*Governor*

President Wagle announced Executive Order No. 15-01, regarding rescinding certain Executive Orders, and Executive Order No. 15-02, regarding employment practices for veterans and disabled individuals, are on file in the office of the Secretary of the Senate and available for review at any time.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on

Senate amendments to **HCR 5002** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

JEFF KING

TERRY BRUCE

ANTHONY HENSLEY

*Conferees on part of Senate*

JOHN BARKER

MARK KAHRS

ED TRIMMER

*Conferees on part of House*

On motion of Senator King the Senate adopted the conference committee report on **HCR 5002**, and requested a new conference be appointed.

The President appointed Senators King, Bruce and Hensley as a second Conference Committee on the part of the Senate on **HCR 5002**.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **SB 63** be amended on page 1, following line 34, by inserting:

"Sec. 2. K.S.A. 19-26,111 is hereby amended to read as follows: 19-26,111. (a) Until sold or otherwise disposed of by the bank and except for special assessments levied by a municipality to finance public improvements, any property acquired by the bank shall be exempt from the payment of ad valorem taxes levied by the state and any other political or taxing subdivision of the state.

(b) Except for special assessments levied by a municipality to finance public improvements, when the board acquires property pursuant to this act, the county treasurer shall remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the board.

(c) Property held by the bank shall remain liable for special assessments levied by a municipality to finance public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the bank.

(d) The governing body of any municipality which has levied special assessments on property acquired by the bank may abate part or all of the special assessments, and the bank and governing body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the county treasurer as of the effective date of the abatement.

(e) The governing body of any municipality which has levied special assessments on property acquired by the bank may enter into an agreement with the bank to defer or reamortize part or all of the special assessments. The governing body of the municipality shall provide for such deferral or reamortization by passage of an ordinance, if a city, and by passage of a resolution by any other municipality. Any special assessments that are deferred or reamortized shall be corrected on the tax rolls by the county treasurer as of the effective date of the ordinance or resolution providing for such deferral or reamortization."

Also on page 1, in line 35, before "K.S.A." by inserting "K.S.A. 19-26,111 and"; also

in line 35, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "amending" by inserting "K.S.A. 19-26,111 and"; in line 2, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 56** be amended on page 1, in line 9, after "commercial" by inserting "or public"; and the bill be passed as amended.

Also, **SB 90** be amended on page 1, in line 27, by striking "therefor"; in line 28, after the first "a" by inserting "bail enforcement agent"; in line 30, after "verified" by inserting "under penalty of perjury"; in line 33, by striking ", and two"; by striking all in lines 34 and 35; in line 36, by striking all before the semicolon;

On page 2, in line 1, by striking "and"; in line 2, after "any" by inserting:

"; and

(5) one classifiable set of the applicant's fingerprints.

(b) (1) Fingerprints submitted pursuant to this section shall be released by the attorney general to the Kansas bureau of investigation for the purpose of conducting criminal history records checks, utilizing the files and records of the Kansas bureau of investigation and the federal bureau of investigation.

(2) Each applicant shall be subject to a state and national criminal history records check which conforms to applicable federal standards for the purpose of verifying the identity of the applicant and whether the applicant has been convicted of any crime that would disqualify the applicant from being licensed as a bail enforcement agent under sections 1 through 9, and amendments thereto. The attorney general is authorized to use the information obtained from the state and national criminal history records check to determine the applicant's eligibility for such license.

(3) Each applicant shall pay a fee for the criminal history records check in an amount necessary to reimburse the attorney general for the cost of the criminal history records check. Such fee shall be in an amount fixed by the attorney general pursuant to section 8, and amendments thereto, and shall be in addition to the applicable original or renewal application fee amount fixed by the attorney general pursuant to section 8, and amendments thereto";

And by redesignating subsections accordingly;

On page 4, following line 19, by inserting:

"(d) In addition to the applicable original or renewal application fee amount fixed by the attorney general pursuant to this section, the attorney general may charge and collect a fee from each applicant to conduct a criminal history records check. Such fee shall be in an amount fixed by the attorney general and shall not exceed an amount necessary to reimburse the attorney general for the cost of such criminal history records check."; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 117** be passed.

Also, **SB 101** be amended on page 2, in line 33, after "midwife" by inserting "or nurse anesthetist"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, February 12, 2015.

# Journal of the Senate

TWENTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 12, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

John Ruskin said "What we think, or what we know, or what we believe is, in the end, of little consequence. The only consequence is what we do." Our actions speak volumes, especially to those who do not know us. Dear Lord, help us to be the best person that others hope us to be, and to be the best person that we hope to be. 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 212**, AN ACT concerning employees; relating to certain employee organizations; certain deductions from wages; amending K.S.A. 2014 Supp. 75-4338 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 213**, AN ACT concerning crimes, punishment and criminal procedure; relating to murder in the first degree; inherently dangerous felony; amending K.S.A. 2014 Supp. 21-5402 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**SB 214**, AN ACT concerning human trafficking and related crimes; relating to commercial sexual exploitation of a child; civil action for victims; restitution; amending K.S.A. 2014 Supp. 21-5501, 21-6328, 22-3424, 22-3436, 22-3701, 22-3727, 22-3727a, 22-4614, 23-2225, 23-3222, 38-2202, 38-2271, 38-2309, 38-2310, 39-970, 44-706, 59-2132, 59-29a14, 60-455, 60-5001, 65-5117, 72-1397, 74-7305, 75-452 and 76-11a13 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 38-2310, as amended by section 2 of chapter 131 of the 2014 Session Laws of Kansas, by Committee on Corrections and Juvenile Justice.

**SB 215**, AN ACT concerning motor vehicles; relating to registration of vehicles; penalties, evidence of renewal; amending K.S.A. 2014 Supp. 8-142 and repealing the existing section, by Committee on Transportation.

**SB 216**, AN ACT concerning law enforcement officers and officer-involved deaths; enacting the investigation and review of deaths involving law enforcement officers act, by Committee on Federal and State Affairs.

**SB 217**, AN ACT concerning farm wineries; relating to farmers' market sales permits; amending K.S.A. 2014 Supp. 41-351 and repealing the existing section, by Committee on Agriculture.

**SB 218**, AN ACT concerning advanced practice registered nurses; amending K.S.A. 2014 Supp. 65-1113 and 65-1130 and repealing the existing sections, by Committee on Ways and Means.

**SB 219**, AN ACT concerning social welfare; relating to the reporting of abuse, neglect or exploitation of certain persons; amending K.S.A. 39-1438 and K.S.A. 2014 Supp. 39-1430, 39-1431, 39-1433, 39-1435, 39-1437 and 39-1443 and repealing the existing sections, by Committee on Judiciary.

**SB 220**, AN ACT concerning crimes and punishment; relating to battery against a mental health employee; amending K.S.A. 2014 Supp. 21-5413 and repealing the existing section, by Committee on Judiciary.

**SB 221**, AN ACT concerning credit and debit transactions; relating to surcharges; amending K.S.A. 72-8245 and K.S.A. 2014 Supp. 12-16,125, 19-122 and 75-30,100 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 16a-2-403, by Committee on Judiciary.

**SB 222**, AN ACT concerning crimes and punishment; relating to creating a hazard; amending K.S.A. 2014 Supp. 21-6318 and repealing the existing section, by Committee on Judiciary.

**SB 223**, AN ACT concerning the legislature; relating to length of regular sessions, 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 199, SB 200, SB 203.**

Commerce: **SB 198, SB 207, SB 208, SB 209, SB 210.**

Corrections and Juvenile Justice: **SB 194.**

Federal and State Affairs: **SB 201, SB 205, SB 211.**

Financial Institutions and Insurance: **SB 202.**

Judiciary: **SB 195, SB 196, SB 197, SB 204, SB 206.**

Ways and Means: **SB 193.**

#### CHANGE OF REFERENCE

The Vice President King withdrew **SB 54** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Financial Institutions and Insurance.**

An objection having been made to **SB 105** appearing on the Consent Calendar, the Vice President directed the bill be removed and placed on the calendar under the heading of General Orders.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2006, HB 2025, HB 2042, HB 2043, HB 2055, HB 2065, HB 2066, HB 2111, HB 2126.**

The House adopts the Conference Committee report to agree to disagree on **HCR 5002**, and has appointed Representatives Barker, Kahrs and Trimmer as second conferees on the part of the House.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2006, HB 2025, HB 2042, HB 2043, HB 2055, HB 2065, HB 2066, HB 2111, HB 2126** were thereupon introduced and read by title.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senator Powell introduced the following resolution which was read:

SENATE RESOLUTION No. 1711—

A RESOLUTION endorsing the twenty-sixth anniversary of sister state relations with the Republic of China (Taiwan), Taiwan's participation in the Trans-Pacific Partnership (TPP) and the United Nations Framework Convention on Climate Change (UNFCCC) and Taiwan's participation as an observer in the International Civil Aviation Organization (ICAO).

WHEREAS, On November 14, 1989, the State of Kansas and the Republic of China (Taiwan) entered into a sister state relationship of enduring friendship and international cooperation; and

WHEREAS, Over the past twenty-six years, the bonds of true friendship and steadfast trade partnership between Kansas and Taiwan have been strengthened, resulting in tourism and a strong economic, social and cultural exchange; and

WHEREAS, Every other year, Taiwan has sent an agricultural trade goodwill mission to the U.S. Midwest region, including Kansas, to demonstrate Taiwan's continuing goodwill and willingness to purchase Kansas agricultural products. The Kansas agricultural industry has benefited greatly over the past decades from the sale of beef, wheat and corn to Taiwan; and

WHEREAS, Kansas and Taiwan have enjoyed a long and mutually beneficial relationship and anticipate continuing growth. Taiwan ranks as Kansas' 12<sup>th</sup> largest export destination with \$194.5 million worth of Kansas goods shipped to Taiwan; and

WHEREAS, The United States ranks as Taiwan's third largest trading partner. Taiwan is the tenth largest trading partner of the United States with bilateral trade reaching \$63.6 billion; and

WHEREAS, The Trade and Investment Framework Agreement (TIFA) meeting between the United States and Taiwan is laying the groundwork for a Bilateral Investment Agreement (BIA). Negotiation for a BIA is an important step toward further strengthening bilateral trade and paving the way for entering into a free trade agreement between the United States and Taiwan, thereby increasing the exports of Kansas to Taiwan and creating bilateral investment through tariff reduction and other trade facilitation measures; and

WHEREAS, Taiwan, seeking to contribute to greater regional integration in the Asia-Pacific region and promote bilateral investment and trade relations with the United States, applauds the United States' announcement of its intent not only to join the Trans-Pacific Partnership (TPP), but to expand TPP membership in the future to include other countries, such as the Republic of China (Taiwan); and

WHEREAS, Taiwan's inclusion in the TPP would contribute substantially to the depth, viability, and quality of the TPP. Taiwan's strong economic weight in the Asia-Pacific and the world, its well-developed knowledge base and highly skilled workforce, its vital position along regional supply chains and value chains and the positive economic and strategic gains for all make Taiwan an ideal candidate economy for the TPP's expansion; and

WHEREAS, Taiwan's absence from the United Nations Framework Convention on Climate Change has hampered Taiwan's ability to participate in global climate initiatives and respond to natural disasters. Taiwan can be a valuable and constructive partner in the international response to the adverse effects of climate change and severe weather emergencies, as evidenced by Taiwan's speedy and generous response to aid the victims of Typhoon Haiyan in the Philippines, which included donations of approximately \$12.22 million; and

WHEREAS, The development of international civil aviation in a safe and orderly manner is the supreme cause of the International Civil Aviation Organization (ICAO). The ICAO depends to a great extent on multilateral cooperation to achieve the goals of safety, order and sustainable development; and

WHEREAS, Taiwan is an integral part of the global aviation network. With an excellent geographic location, Taiwan is a key aviation hub for regions in Asia and the world; and

WHEREAS, Taiwan Taoyuan International Airport is ranked 16<sup>th</sup> globally in international passenger traffic by the Airports Council International (ACI), and 58 domestic and foreign airlines connect Taiwan with 117 cities across the world. The Taipei Flight Information Region (FIR) each year provides more than 1.3 million navigation services to aircraft carrying 45 million passengers and over 1.68 million tons of cargo. The large volume of cargo and passenger traffic make Taiwan an important part of the global air transport network; and

WHEREAS, Without Taiwan's participation, international flight plans, regulations and procedures that the ICAO formulates will be incomplete and unsafe; and

WHEREAS, Taiwan's request to participate in the ICAO is fully in line with the United States government's policy of supporting Taiwan's meaningful participation in United Nations specialized agencies: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:*

(1) That Kansas is celebrating the twenty-sixth anniversary of sister state relations with the Republic of China (Taiwan); and

(2) Kansas supports Taiwan's efforts to secure entry into the Trans-Pacific Partnership (TPP), and endorses the signing of the Bilateral Investment Agreement (BIA) with the United States; and

(3) Kansas supports Taiwan's appropriate participation in the United Nations Framework Convention on Climate Change (UNFCCC) and endorses Taiwan's participation as an observer in the International Civil Aviation Organization (ICAO); and

*Be it further resolved:* That copies of this resolution are sent to the United States Secretary of State, John F. Kerry, President Ma Ying-jeou of the Republic of China (Taiwan), Secretary General Raymond Benjamin of the International Civil Aviation Organization, Executive Secretary Christiana Figueres of the United Nations Framework Convention on Climate Change, each member of the Kansas Congressional

Delegation and Director General Jack J.C. Yang of the Taipei Economic and Cultural Office.

On emergency motion of Senator Powell **SR 1711** was adopted by voice vote.

## REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 32** be amended on page 1, in line 9, by striking "five" and inserting "seven"; in line 14, after the semicolon by inserting:

"(5) one representative appointed by the minority leader of the house of representatives;

(6) one senator appointed by the minority leader of the senate;"

Also on page 1, in line 15, by striking "(5)" and inserting "(7)"; in line 35, by striking "three" and inserting "four";

On page 2, in line 5, by striking "reconvene to" and inserting "be reconstituted in accordance with subsection (a). The task force shall"; in line 9, by striking "reconvenes" and inserting "is reconstituted"; in line 13, by striking all after "(a)"; in line 14, by striking all before the period and inserting "For school year 2016-2017, six unified school districts shall conduct a compliance audit. The efficient operation of schools task force shall select the six school districts"; in line 28, after "for" by inserting "1/2 of"; in line 29, by striking "annual"; in line 36, after "reports" by inserting "an amount that is equal to 1/2 of"; in line 37, by striking "annual"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 155** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 155," as follows:

"Substitute for SENATE BILL No. 155

By Committee on Financial Institutions and Insurance

"AN ACT concerning insurance; relating to surplus lines coverage; defining terms; relating to gross premiums and tax thereon; nonadmitted insurers authorized to write excess coverage on Kansas risks; amending K.S.A. 2014 Supp. 40-246b, 40-246c and 40-246e and repealing the existing sections; also repealing K.S.A. 2014 Supp. 40-5701, 40-5702 and 40-5703.";

And the substitute bill be passed.

Committee on **Natural Resources** recommends **SB 64** be amended on page 2, in line 9, by striking "as"; in line 10, by striking all before the period and inserting "at a rate per annum equal to the average of the monthly net earnings rate for the pooled money investment portfolio for the preceding calendar year for each year of storage"; following line 10, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 82a-1605 is hereby amended to read as follows: 82a-1605. (a) The state may participate with a sponsor in the development, construction or renovation of a class II multipurpose small lake project if the sponsor has a general plan which has been submitted to and approved by the chief engineer in the manner provided by K.S.A. 24-1213 and 24-1214, and amendments thereto. If the Kansas water office determines that additional public water supply storage shall be needed in that area of the state within 20 years from the time such project is to be completed and a water user is not available to finance public water supply storage, the state may include future use public water supply storage in the project. The Kansas water office shall apply for a water appropriation right sufficient to insure a dependable yield from public water supply storage. The Kansas water office shall be exempt from all applicable fees

imposed pursuant to K.S.A. 82a-701 et seq., and amendments thereto, for such applications. The Kansas water office shall have authority to adopt rules and regulations relative to the inclusion of public water supply storage in proposed projects under this act and the disposition of state-owned water rights and associated public water supply storage space in such projects.

(b) In a class II project, the state may assume initial financial obligations for public water supply storage in watersheds by entering into long-term contracts with the federal government. In order to provide security to the federal government, the state may grant assignments of water rights, either appropriation rights or water reservation rights; assignments of rights under existing or prospective water purchase contracts; assignments, mortgages or other transfers of interests in real property held by the state and devoted to the specific small lake project for which security is sought; or may provide other security that is permissible under state law and acceptable by the federal government. Instead of contracting to repay costs under long-term contracts, the state may pay all of the required costs of the public water supply storage in a lump sum.

(c) The sponsor of such class II project shall be responsible for acquiring land rights and for the costs of operation and maintenance of such project. The state or federal government may provide up to 50% of the engineering and construction costs and up to 50% of the costs of land rights associated with recreation features. Subject to the provisions of subsection (d), the state may pay up to 100% of the engineering and construction costs of flood control and public water supply storage. All other costs of such project, including land, construction, operation and maintenance shall be paid by the sponsor.

(d) The state shall not participate in the costs of public water supply storage in a renovation project unless the Kansas water office determines that renovation is the most cost effective alternative for such storage. The state shall be authorized to pay only up to 50% of the engineering and construction costs of public water supply storage in such a renovation project.

(e) The Kansas water office may recover the state's costs incurred in providing public water supply storage in such class II project, and interest on such costs, by selling such storage and the associated water rights. Interest on such costs shall be computed at a rate per annum ~~which is equal to the greater of: (1) The average rate of interest earned the past calendar year on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board, less 5%; or (2) four percent equal to the average of the monthly net earnings rate for the pooled money investment portfolio for the preceding calendar year for each year of storage.~~

Sec. 3. K.S.A. 2014 Supp. 82a-1606 is hereby amended to read as follows: 82a-1606. (a) The state may participate with a sponsor in the development, construction or renovation of a class III multipurpose small lake project if the sponsor has a general plan which has been submitted to and approved by the chief engineer in the manner provided by K.S.A. 24-1213 and 24-1214, and amendments thereto. If public water supply storage is included in the project, the sponsor of such class III project shall pay for 100% of the costs associated with the public water supply storage portion of such project unless the Kansas water office determines that additional public water supply storage shall be needed in that area of the state within 20 years from the time such project is to be completed and a sponsor is not available to finance 100% of the costs associated with the public water supply storage, the state may participate in the future

use public water supply storage costs of the project. If the state participates in the public water supply storage costs, the Kansas water office shall apply for a water appropriation right sufficient to insure a dependable yield from public water supply storage. The Kansas water office shall be exempt from all applicable fees imposed pursuant to K.S.A. 82a-701 et seq., and amendments thereto, for such applications. The Kansas water office shall have authority to adopt rules and regulations relative to the inclusion of public water supply storage in proposed projects under this act and the disposition of state-owned water rights and associated public water supply storage space in such projects.

(b) The sponsor of such class III project shall be responsible for acquiring land rights and for the costs of operation and maintenance of the project. The state may provide up to 50% of the engineering and construction costs and up to 50% of the costs of land rights associated with recreation features. Subject to the provisions of subsection (c), the state may pay up to 100% of the engineering and construction costs of flood control storage and public water supply storage. All other costs of such project, including land, construction, operation and maintenance, shall be paid by the sponsor.

(c) The state shall not participate in the costs of public water supply storage in a renovation project unless the Kansas water office determines that renovation is the most cost effective alternative for such storage. The state shall be authorized to pay only up to 50% of the engineering and construction costs of public water supply storage in such a renovation project.

(d) The Kansas water office may recover the state's costs incurred in providing public water supply storage in such class III project, and interest on such costs, by selling such storage and the associated water rights. Interest on such costs shall be computed at a rate per annum ~~which is equal to the greater of: (1) The average rate of interest earned the past calendar year on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board, less 5%; or (2) four percent equal to the average of the monthly net earnings rate for the pooled money investment portfolio for the preceding calendar year for each year of storage.~~;

Also on page 2, in line 11, by striking "is" and inserting ", 82a-1605 and 82a-1606 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "82a-1604" by inserting ", 82a-1605 and 82a-1606"; also in line 2, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **SB 97** be amended on page 2, in line 19, by striking ", possession"; in line 26, after "(a)" by inserting "Except as provided in subsection (e)."; in line 33, by striking "To prevent injuries to members of the public, all"; in line 34, by striking all after "animals"; in line 35, by striking all before "tethered" and inserting "removed from confinement shall not be allowed to run at large or be"; in line 36, by striking "unsupervised";

On page 3, in line 4, by striking "physical"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 68** be amended on page 1, following line 29, by inserting:

"New Sec. 3. That portion of K-7 highway from the southern city limits of the city of Lansing then north on K-7 highway to the northern city limits of the city of Lansing is hereby designated as the Kenneth W Bernard memorial highway. The secretary of

transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the Kenneth W Bernard memorial highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

Sec. 4. K.S.A. 68-1034 is hereby amended to read as follows: 68-1034. From the junction of United States highway 24 and United States highway 40 with United States highway 73 and highway K-7, United States highway 73 and highway K-7 north to the southern city limits of Lansing, then north from the northern city limits of Lansing to the eastern junction with United States highway 59 in the city of Atchison, United States highway 73 west to the junction with United States highway 159, is hereby designated as the Amelia Earhart memorial highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the Amelia Earhart memorial highway. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.";

Also on page 1, in line 30, before "K.S.A." by inserting "K.S.A. 68-1034 and"; also in line 30, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "ACT" by inserting "concerning roads and highways;"; also in line 1, by striking "a portion of K-96 as"; also in line 1, after "expressway;" by inserting "the Kenneth W Bernard memorial highway;"; in line 2, after "amending" by inserting "K.S.A. 68-1034 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **SB 43**, **SB 73** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

#### **REPORT ON ENROLLED BILLS**

**SR 1709**, **SR 1710** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 12, 2015.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, February 13, 2015.

# Journal of the Senate

TWENTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, February 13, 2015, 8:00 a.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 28 senators present.  
Senators Donovan, Haley, Holland, Holmes, LaTurner, Love, Masterson, McGinn, O'Donnell, Olson, Wagle and Wolf were excused.  
Invocation by Father Don Davidson:

Dear God, tomorrow is a feast day for Anglicans and Lutherans, and St. Valentine is also remembered on the calendar of Saints in Orthodoxy, but not until July. Although historically questionable, the story is that the original St. Valentine was locked-up for performing unauthorized marriages, and providing counsel for the lovelorn. Although blanketed with silliness, there is a great wonder and mystery, beauty and hope to the love that exists between people. Let us celebrate the joy that love brings to all of us, and be reminded that God is love and where love is, God is there. 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 224**, AN ACT concerning the emergency medical services board; imposition of fines; investigation authority; issuance of subpoenas; amending K.S.A. 65-6130 and K.S.A. 2014 Supp. 65-6111 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 225**, AN ACT relating to the interstate compact for recognition of emergency personnel licensure, by Committee on Federal and State Affairs.

**SB 226**, AN ACT concerning emergency medical services; amending K.S.A. 2013 Supp. 65-6112, as amended by section 51 of chapter 131 of the 2014 Session Laws of Kansas, and K.S.A. 2014 Supp. 65-6102, 65-6111, 65-6120, 65-6121, 65-6129b, 65-6129c, 65-6133, 65-6135 and 65-6144 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 227**, AN ACT concerning water; relating to local enhanced management areas; amending K.S.A. 2014 Supp. 82a-1041 and repealing the existing section, by Committee on Natural Resources.

**SB 228**, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; defining eligible employees as police; providing

retroactive application; amending K.S.A. 2014 Supp. 74-4952 and repealing the existing section, by Select Committee on KPERS.

**SB 229**, AN ACT concerning attorneys; relating to advertising, by Committee on Judiciary.

**SB 230**, AN ACT concerning driving; relating to permitting driving in violation of certain restrictions; penalties; amending K.S.A. 2014 Supp. 8-1022 and repealing the existing section, by Committee on Judiciary.

**SCR 1603**, A CONCURRENT RESOLUTION making application to the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States that impose limits on the federal government, by Senators Abrams, Arpke, Baumgardner, Donovan, Knox, LaTurner, Love, Masterson, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell and Wilborn.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 212, SB 221**.

Corrections and Juvenile Justice: **SB 213, SB 214, SB 216, SB 220, SB 222; HB 2055**.

Federal and State Affairs: **SB 217, SB 223**.

Financial Institutions and Insurance: **HB 2065, HB 2066, HB 2126**.

Judiciary: **SB 219; HB 2025, HB 2111**.

Public Health and Welfare: **SB 218; HB 2042, HB 2043**.

Transportation: **SB 215; HB 2006**.

### REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **SB 121** be amended on page 2, in line 25, by striking "three" and inserting "two"; in line 28, by striking "one" and inserting "two"; and the bill be passed as amended.

### TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 9 through February 13, 2015:

Senator Bowers: recognizing Tommy McNish on achieving the rank of Eagle Scout; congratulating the Knights of Columbus-Marysville on its 100th Anniversary; congratulating Kingsbury Service on receiving the Business of the Year Award;

Senator Kelly: commending Tehya Bush, Noah Bush, Alejandro Esparza, and Jessica Widow for their display of courage in an emergency situation; congratulating Fred and Rosalie Rogers on their 60th Wedding Anniversary; and

Senator Wolf: recognizing Zachary Hudon on achieving the rank of Eagle Scout.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, February 16, 2015.

# Journal of the Senate

TWENTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 16, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 37 senators present.  
Senators Haley, Holland and Love were excused.  
Invocation by Father Don Davidson:

Dear God, thank you for the beauty of our Kansas Flint Hills. A drive through the Flint Hills can stir the heart. We have great respect for the majesty of the mountains and the commanding power of the oceans and yet the unobstructed land stretching for miles and miles gives us assurance of your artistry. In our haste to go from place to place let us never take for granted the beauty of your creation. Thank you, dear 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 231**, AN ACT concerning law enforcement; relating to Wichita state university; amending K.S.A. 2014 Supp. 76-726 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 232**, AN ACT concerning liens or claims against real or personal property; relating to prohibitions on certain filings; public officials; notice; criminal penalties; amending K.S.A. 2014 Supp. 58-4301 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 233**, AN ACT concerning taxation; relating to rates of taxation; cigarettes, tobacco products and alcoholic beverages; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2014 Supp. 79-3310, 79-3310c, 79-3311, 79-3312 and 79-4101 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 234**, AN ACT concerning state finances; relating to state general fund tax receipts and expenditures; providing a tax amnesty; creating a budget stabilization fund and tax reduction fund; ending balances; income tax rates, itemized deductions; reports to the legislature; amending K.S.A. 75-3722 and 75-6704 and K.S.A. 2014 Supp. 75-3721, 75-6702, 79-32,110, 79-32,120 and 79-32,269 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 235**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2015, June 30, 2016, and June 30, 2017, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and

limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

**SB 236**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2016, and June 30, 2017, for the judicial branch, by Committee on Ways and Means.

**SB 237**, AN ACT making and concerning appropriations for fiscal years ending 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. 2014 Supp. 2-223, 12-5256, 55-193, 68-2320, 74-50,107, 74-8963, 74-99b34, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections; also repealing K.S.A. 2014 Supp. 74-99b34a, by Committee on Ways and Means.

**SB 238**, AN ACT concerning taxation; relating to homestead property tax refunds; eligibility for armed forces service-connected disability; amending K.S.A. 2014 Supp. 79-4502 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:

Federal and State Affairs: **SB 224**, **SB 225**, **SB 226**; **SCR 1603**.

Judiciary: **SB 229**, **SB 230**.

Natural Resources: **SB 227**.

Senate Select Committee on KPERS: **SB 228**.

#### CHANGE OF REFERENCE

An objection having been made to **SB 22**, **SB 161** appearing on the Consent Calendar, the President directed the bills be removed and placed on the calendar under the heading of General Orders.

The President withdrew **SB 191**, **SB 196** from the Committee on **Judiciary**, and referred the bills to the Committee on **Corrections and Juvenile Justice**.

#### MESSAGES FROM THE GOVERNOR

February 10, 2015

*To the Senate of the State of Kansas:*

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

SAM BROWNBACK  
Governor

*Member, State Civil Service Board, Allen Schmidt (D), Hays, pursuant to the authority vested in me by K.S.A. 75-2929a, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2017, to succeed James Lowther.*

February 11, 2015

*Member, Racing and Gaming Commission, Laura McConwell (R), Mission, pursuant to the authority vested in me by K.S.A. 74-8803 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2019, to succeed herself.*

*Member, State Board of Indigent Defense Services, Samantha Angell (R), Salina, pursuant to the authority vested in me by K.S.A. 22-4519, and effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2018, to succeed herself.*

*Member, State Board of Indigent Defense Services, Jeffrey Leiker (U), Kansas City, pursuant to the authority vested in me by K.S.A. 22-4519, and effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2018, to succeed himself.*

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2010, HB 2029, HB 2051, HB 2056, HB 2097.**

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2010, HB 2029, HB 2051, HB 2056, HB 2097** 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. 1712—

A RESOLUTION congratulating and commending the  
2015 Kansas Horizon Award Program educators.

WHEREAS, Thirty-two beginning educators from across the state have been named as Kansas Horizon Award Program educators; and

WHEREAS, The Kansas Horizon Award Program, sponsored by the Kansas State Department of Education and Capitol Federal, identifies and recognizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the Kansas Horizon Award Program is to recognize exemplary first-year teachers who perform in a way that distinguishes them as outstanding; and

WHEREAS, The Kansas Horizon Award Program, currently in its 13<sup>th</sup> 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 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 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: Collin Carlson, Salina South High School, USD 305 Salina; Leah DeTravernier, South Middle School, USD 480 Liberal; Madeline Dierking, Logan Avenue Elementary School, USD 253 Emporia; Justin

Heeke, Miller Elementary School, USD 443 Dodge City; Austyn McNew, Bluemont Elementary School, USD 383 Manhattan-Ogden; Chrystiana Miller, Sheridan Elementary School, USD 475 Geary County; Maria Loewen, McPherson Middle School, USD 418 McPherson; Olga Silverman, Solomon High School, USD 393 Solomon; and

Region 2: Alyssa Buxman, Berryton Elementary School, USD 450 Shawnee Heights; Collin Eidelson, Ottawa High School, USD 290 Ottawa; Nichole Gurwell, Tonganoxie Elementary School, USD 464 Tonganoxie; Laura Hochman, South Middle School, USD 497 Lawrence; Wendy Madere, Rossville Grade School, USD 321 Kaw Valley; Jessica Otradovec, Seaman High School, USD 345 Seaman; Brittany Roper, Shawnee Heights High School, USD 450 Shawnee Heights; Hannah Rosell, Earl M. Lawson Elementary School, USD 453 Leavenworth; and

Region 3: Kelsey Bradley, Indian Valley Elementary School, USD 229 Blue Valley; Jamie Droege-meier, Spring Hill Middle School, USD 230 Spring Hill; Katherine Durick, Lakewood Middle School, USD 229 Blue Valley; Haley Epperson, Spring Hill Elementary School, USD 230 Spring Hill; Joel McGhee, Broadmoor Elementary School, USD 416 Louisburg; Taylor Newman, Prairie Ridge Elementary School, USD 232 DeSoto; Alyssa Passmore, Turner Sixth Grade Academy, USD 202 Turner; Katherine Wilber, Monticello Trails Middle School, USD 232 DeSoto; and

Region 4: Bethany Brewer, McCollom Elementary School, USD 259 Wichita; Jessica Dosser, Garfield Elementary School, USD 402 Augusta; Patrick Huddleston, Andover Central High School, USD 385 Andover; Caleb McCaffree, Ruth Clark Elementary School, USD 261 Haysville; Kathryn Richardson, Coleman Middle School, USD 259 Wichita; Grant Threlkeld, Amelia Earhart Elementary School, USD 265 Goddard; Susanna Tippett, Newton High School, USD 373 Newton; Kaitlin Woellhof, Valley Center High School, USD 262 Valley Center: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the 2015 Kansas Horizon Award Program educators for outstanding performance in their chosen career; and

*Be it further resolved:* That the Secretary of the Senate shall send 32 enrolled copies of this resolution to the Commissioner of Education for forwarding to each educator so honored plus one copy to the Commissioner of Education.

On emergency motion of Senator Abrams **SR 1712** was adopted by voice vote.

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

SENATE RESOLUTION No. 1713—

A RESOLUTION congratulating and commending the Kansas recipient of the 2014 Milken Educator Award.

WHEREAS, Amy Stanislawski, 3<sup>rd</sup> grade teacher at Dodge Literacy Magnet Elementary School, Wichita USD 259, has been selected as the Kansas recipient of the 2014 Milken Educator Award. She will receive an unrestricted award of \$25,000 plus recognition by her community, school and peers; and

WHEREAS, The Milken Educator Awards program was established by the Milken Family Foundation in 1985 and the first awards were presented in 1987; and

WHEREAS, The Milken 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 year at a surprise notification held during an all-school assembly. Foundation representatives and the chief state school officer make the announcements. Amy Stanislawski was one of about 40 educators around the country recognized with the award this year. By publicizing these awards, our communities are reminded of the crucial, positive impact of educators. Furthermore, it is hoped these awards will attract the attention of those who might consider teaching as a rewarding career choice: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Amy Stanislawski upon her selection as the Kansas recipient of the 2014 Milken 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 2014 Milken Educator.

On emergency motion of Senator Abrams **SR 1713** was adopted by voice vote.

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

SENATE RESOLUTION No. 1714—

A RESOLUTION congratulating and commending the  
2014 Kansas National Board Certified Teachers.

WHEREAS, Eleven 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 19, 2015; and

WHEREAS, The 2014 Kansas National Board Certified Teachers are: Stephanie Brachtenbach, Harmony Elementary School, USD 229 Blue Valley; Brenda Colwell, Blue Valley North High School, USD 229 Blue Valley; Jamie Dawson, Emporia High School, USD 253 Emporia; Trevor Goertzen, Prairie Star Middle School, USD 229 Blue Valley; Kristen Leaming, Morse Elementary School, USD 229 Blue Valley; Steve Maack, Wichita East High School, USD 259 Wichita; Michael Alan Petermann, Wamego Middle School, USD 320 Wamego; Jean Reynolds, Blue Valley North High School, USD 229 Blue Valley; Tonya Runnels, Harmony Elementary School, USD 229 Blue Valley; Nancy L. Smith, Bentwood Elementary School, USD 233 Olathe; Amy D. Wasinger, Kathryn O'Loughlin Elementary School, USD 489 Hays; 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 educational reforms to integrate National Board Certification in American education and to capitalize on the expertise of National Board Certified Teachers: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend each of these outstanding educators who have attained the status of National Board Certified Teachers; and

*Be it further resolved:* That the Secretary of the Senate shall send 11 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 1714** was adopted by voice vote.

Senator O'Donnell introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1715—

A RESOLUTION honoring native Kansan, Frederick L. Simon, for his service in the U.S. Army and the success of Freddy's Frozen Custard & Steakburgers.

WHEREAS, Frederick L. Simon was born on February 24, 1925, in Colwich, Kansas, and will turn 90 next week. He is a lifetime Kansan, having resided in Wichita all of his adult life; and

WHEREAS, After being denied admittance to the Army because he was underage at the time Pearl Harbor was bombed, Simon joined the United States Army in 1943 after graduating from high school. He trained at Fort Riley, Kansas, after which he was assigned to the 1<sup>st</sup> Cavalry Division; and

WHEREAS, On October 20, 1944, Private 1<sup>st</sup> Class Simon was on the first wave of ships at the historic amphibious landings at Leyte, Philippines. The landings commenced the liberation of the Philippines and fulfilled General Douglas MacArthur's famous "I shall return" commitment of the United States to the Filipino people; and

WHEREAS, While serving, Simon earned and was awarded the Purple Heart for injuries sustained, and the Bronze Star for valor. He was promoted to Sergeant shortly before the end of the war, only 10 months after the landing in the Philippines; and

WHEREAS, After World War II, Freddy, as he was known in his childhood and in the Army, returned to Wichita, where he graduated from Wichita University with a degree in accounting. He joined a wholesale liquor company shortly after prohibition was repealed in Kansas and worked there for 56 years; and

WHEREAS, Over the past 20 years, Freddy has provided a first-hand account of his World War II experiences to nearly 100 audiences of young and old Kansans but, primarily, to high school history classes in the state; and

WHEREAS, Freddy is the namesake and co-founder of Freddy's Frozen Custard & Steakburgers. The award-winning company opened its first store in Wichita in 2002. Today, the company has 140 stores in 23 states and, in its first 12 years, has created approximately 6,000 new jobs, 1,000 of which are in Kansas; and

WHEREAS, Freddy has been married to his wife, Norma Jean, for 67 years and raised six children. They have 19 grandchildren and nine great-grandchildren: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we wish Freddy Simon a happy 90<sup>th</sup> birthday next week, recognize him for his heroic service to this country and congratulate him on the nation-wide success of his restaurant business; and

*Be it further resolved:* That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator O'Donnell.

On emergency motion of Senator O'Donnell **SR 1715** was adopted by voice vote.

Guests introduced were Freddy Simon, Randy Simon, Bill Simon and Sally Simon.

Senators honored the guests with a standing ovation.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HCR 5002** submits the following report:

The House accedes to all Senate amendments to the resolution, and your committee on conference further agrees to amend the resolution as printed as Amended by Senate on Final Action, as follows:

On page 4, in line 43, before "A" by inserting "Subject to any limitations imposed under the constitution of the state of Kansas, no more than a total of four additional bills or concurrent resolutions or parts of bills or concurrent resolutions in conference or bills or concurrent resolutions or parts of bills or concurrent resolutions which have passed 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 that reports of conference committees on any taxation bill are not subject to the limitation contained in this provision.";

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

JEFF KING

TERRY BRUCE

ANTHONY HENSLEY

*Conferees on part of Senate*

JOHN BARKER

MARK KAHR

*Conferees on part of House*

Senator King moved the Senate adopt the Conference Committee Report on **HCR 5002**.

On roll call, the vote was: Yeas 27; Nays 7; Present and Passing 2; Absent or Not Voting 4.

Yeas: Abrams, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Hensley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Arpke, Baumgardner, Kelly, McGinn, Pettey, Pyle, Schmidt.

Present and Passing: Francisco, Hawk.

Absent or Not Voting: Haley, Holland, Love, O'Donnell.

The Conference Committee Report was adopted.

**REPORTS OF STANDING COMMITTEES**

Committee on **Public Health and Welfare** recommends **SB 95** be amended on page 1, in line 26, after "container" by inserting ", although it does include an abortion in which a dismemberment abortion, as defined in subsection (b)(1), is used to cause the death of an unborn child but suction is subsequently used to extract fetal parts after the death of the unborn child"; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 109** be amended on page 1, in line 18, after "means" by inserting "work in preparation for a disaster and"; in line 20, by striking "that relate" and inserting "on or related"; in line 21, by striking "the" and inserting "any"; in line 32, by striking "the" and inserting "any"; in line 36, by striking "the" and inserting "any";

On page 2, in line 3, after "state" by inserting "except for disaster or emergency-related work during any disaster response period"; in line 8, after "state" by inserting "during any disaster response period"; also in line 8, by striking "This" and inserting "An "out-of-state business"; in line 11, by striking the second "the" and inserting "any"; in line 17, by striking "the" and inserting "any"; also in line 17, after "disaster" by inserting "response"; in line 18, after "presence" by inserting ", as a result of such disaster or emergency-related work,"; in line 27, by striking "the" and inserting "any"; in line 31, by striking "activity" and inserting "disaster or emergency-related work";

On page 3, in line 1, by striking "the" and inserting "any"; in line 8, by striking the second "the" and inserting "any"; in line 9, by striking "a" and inserting "such"; in line 12, by striking the second "the" and inserting "any"; in line 17, by striking "it" and inserting "such out-of-state business"; in line 27, by striking the second "the" and inserting "any";

Also on page 3, following line 34, by inserting:

"(f) No provision of this act shall be interpreted to exempt any person from the requirements of K.S.A. 2014 Supp. 50-6,121 through 50-6,138, and amendments thereto."; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 17, 2015.

# Journal of the Senate

TWENTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 17, 2015, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Love was excused.

Invocation by Father Don Davidson:

Only one day in our calendar, O Lord, is denoted as being “Fat” and today is the day. For many Christians today is the day we clean out the fat and have one last moment of gluttony before we take seriously our dependence on your grace. What would happen if everyone would try ridding themselves of the unnecessary, so as to have more room to show compassion and concern for all your precious children? Now that would be a Mardi Gras worth remembering. Help us, O Lord. 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 239**, AN ACT concerning a presidential preference primary; amending K.S.A. 2014 Supp. 25-4501 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 240**, AN ACT concerning the banking code; relating to the state bank commissioner; amending K.S.A. 9-519, 9-520, 9-536, 9-542, 9-701, 9-801, 9-802, 9-803, 9-804, 9-806, 9-808, 9-809, 9-811, 9-812, 9-901a, 9-902, 9-903, 9-904, 9-905, 9-906, 9-907, 9-908, 9-909, 9-910, 9-911, 9-912, 9-1101a, 9-1102, 9-1107, 9-1111b, 9-1112, 9-1116, 9-1119, 9-1122, 9-1123, 9-1124, 9-1125, 9-1127a, 9-1127b, 9-1127c, 9-1130, 9-1132, 9-1133, 9-1137, 9-1138, 9-1201, 9-1204, 9-1205, 9-1207, 9-1213, 9-1214, 9-1301, 9-1304, 9-1403, 9-1405, 9-1501, 9-1502, 9-1503, 9-1504, 9-1505, 9-1506, 9-1602, 9-1603, 9-1604, 9-1607, 9-1609, 9-1611, 9-1612, 9-1701, 9-1708, 9-1709, 9-1712, 9-1714, 9-1715, 9-1716, 9-1717, 9-1719, 9-1720, 9-1724, 9-1807, 9-1901, 9-1902, 9-1902a, 9-1903, 9-1905, 9-1906, 9-1907, 9-1908, 9-1909, 9-1910, 9-1915, 9-1916, 9-2001, 9-2002, 9-2005, 9-2006, 9-2007, 9-2008, 9-2010, 9-2011, 9-2012, 9-2013, 9-2014, 9-2016, 9-2018, 9-2101, 9-2102, 9-2103 and 9-2104 and K.S.A. 2014 Supp. 9-532, 9-533, 9-534, 9-535, 9-1101, 9-1104, 9-1111, 9-1114, 9-1140, 9-1215, 9-1401, 9-1402, 9-1407, 9-1408, 9-1601, 9-1702, 9-1703, 9-1704, 9-1713, 9-1721, 9-1722, 9-1805, 9-2004, 9-2107, 9-2108, 9-2111, 39-709 and 44-314 and repealing the existing sections; also repealing K.S.A. 9-514, 9-515, 9-516, 9-517, 9-518,

9-523, 9-538, 9-539, 9-702, 9-703, 9-807, 9-810, 9-813, 9-1101b, 9-1103, 9-1105, 9-1106, 9-1108, 9-1109, 9-1110, 9-1111d, 9-1113, 9-1301a, 9-1507, 9-1605, 9-1606, 9-1608, 9-1610, 9-1705, 9-1710, 9-1711, 9-1718, 9-1723, 9-1802, 9-1803, 9-1808, 9-1904, 9-1912, 9-1914, 9-1914a, 9-2003, 9-2009, 9-2015, 9-2017 and 9-2105 and K.S.A. 2014 Supp. 9-805, 9-1118, 9-1135, 9-1139, 9-1216, 9-1303, 9-1706, 9-1707, 9-1801, 9-1804 and 9-2106, by Committee on Federal and State Affairs.

**SB 241**, AN ACT concerning the department of administration; relating to certain state contracts; amending K.S.A. 75-3743 and 75-3744 and repealing the existing sections, by Committee on Ways and Means.

**SB 242**, AN ACT concerning public officers and employees; relating to drug screening programs; adding Kansas commission on veterans affairs office employees to list of safety sensitive positions; amending K.S.A. 2014 Supp. 75-4362 and repealing the existing section, by Committee on Ways and Means.

**SB 243**, AN ACT concerning the state civil service board; transferred from the department of administration to the office of administrative hearings; amending K.S.A. 75-2929b, 75-2929g and 75-3746 and K.S.A. 2014 Supp. 75-2929d and repealing the existing sections, by Committee on Ways and Means.

**SB 244**, AN ACT concerning municipalities; relating to approval of budgets; requiring certain notifications; amending K.S.A. 79-2929 and K.S.A. 2014 Supp. 79-2925b and repealing the existing sections, by Committee on Ways and Means.

**SB 245**, AN ACT repealing K.S.A. 68-1111; concerning certain bridge inspections, by Committee on Ways and Means.

**SB 246**, AN ACT concerning the department of administration; relating to energy audits; requirements; amending K.S.A. 2014 Supp. 75-37,128 and repealing the existing section, by Committee on Ways and Means.

**SB 247**, AN ACT concerning municipal audits; relating to audit procedures; amending K.S.A. 75-1120a, 75-1121 and 75-1123 and K.S.A. 2014 Supp. 75-1122 and 75-1124 and repealing the existing sections, by Committee on Ways and Means.

**SB 248**, AN ACT repealing K.S.A. 2014 Supp. 76-12a25; concerning key deposit funds, by Committee on Ways and Means.

**SB 249**, AN ACT concerning purchasing law; relating to competitive bidding; amending K.S.A. 2014 Supp. 75-3739 and repealing the existing section, by Committee on Ways and Means.

**SB 250**, AN ACT concerning the joint committee on state building construction; relating to the monthly reports of progress; amending K.S.A. 2014 Supp. 75-1264 and repealing the existing section, by Committee on Ways and Means.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2029**.

Assessment and Taxation: **SB 233, SB 234, SB 238**.

Corrections and Juvenile Justice: **HB 2051, HB 2056**.

Federal and State Affairs: **SB 231; HB 2097**.

Judiciary: **SB 232**.

Ways and Means: **SB 235, SB 236, SB 237; HB 2010**.

**REFERENCE OF APPOINTMENTS**

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

*Member, State Board of Indigents Defense Services:*

Jeffrey Leiker, to serve Term ends January 15, 2018.  
(Judiciary)

*Member, Kansas Racing and Gaming Commission:*

Laura McConwell, to serve Term ends January 15, 2019.  
(Federal and State Affairs)

*Member, State Board of Indigents Defense Services:*

Samantha Angell, to serve Term ends January 15, 2018.  
(Judiciary)

*Member, State Civil Service Board:*

Allen Schmidt, to serve Term ends March 15, 2017.  
(Federal and State Affairs)

**CHANGE OF REFERENCE**

The Vice President withdrew **SB 169** from the Committee on **Natural Resources**, and referred the bill to the Committee on **Agriculture**.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2013**, **HB 2091**.

The House adopts the Conference Committee report on **HCR 5002**.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2013**, **HB 2091** were thereupon introduced and read by title.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Kerschen, Abrams, Bowers, Francisco, Hawk, Powell, Tyson and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1716—

A RESOLUTION congratulating the Kansas State University  
Crops Team on winning the Collegiate Crops Contest Championship.

WHEREAS, The Kansas State University Crops Team recently captured the title of national champion for the sixth year in a row. K-State teams have now won the Collegiate Crops Contest Championship in 13 of the past 16 years. The K-State team was coached by Dr. Kevin Donnelly, professor of agronomy. Official members of the team were: Sam Knauss, Paola; Tyler Herrs, Linn; and Ben Coomes, Girard – all juniors majoring in agronomy. Alternates for both contests were: Samantha L'Ecuyer, Morrowville, sophomore in agronomy, and Michaela Simmelink, Downs, senior in animal sciences and industry. Hayden Guetterman, Bucyrus, sophomore in agronomy, was also an alternate in Kansas City; and

WHEREAS, At Kansas City, the K-State team placed first in all three phases of the contest: plant and seed identification, grain grading, and seed analysis. At Chicago, they

were first in identification and grain grading, and second in seed analysis. Individually, the three K-State team members placed first, second and third in Kansas City. All three were also in the top five in Chicago. Sam Knauss led the K-State team with a first place sweep in both Kansas City and Chicago. In doing so, he also placed first in all three components in both contests, a result that has never been accomplished in the 81-year history of both contests: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate the Kansas State University Crops Team on winning the Collegiate Crops Contest Championship for the sixth year in a row. 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 shall send an enrolled copy of this resolution to Senator Kerschen.

On emergency motion of Senator Kerschen **SR 1716** was adopted by voice vote.

Guests introduced included Dr. Kevin Donnelly, Sam Knauss, Tyler Kerrs, Ben Coomes, Samantha L'Ecuyer, Michaela Simmelink, Katrina Sudbeck, Jeri Sigle, Hayden Guetterman and Kim Kerschen.

Senators honored the guests with a standing ovation.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Commerce** recommends **SB 106, SB 108** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 54**, as recommended by Senate Committee on Financial Institutions and Insurance as reported in the Journal of the Senate on February 3, 2015, and the bill as printed with Senate Committee amendments, be further amended: on page 2, in line 14, by striking "or mail tracking"; by striking all in line 15; in line 16, by striking "future"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 18, 2015.

# Journal of the Senate

TWENTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 18, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

Dear Lord, some Christians look a little strange today, walking around with a dirty smudge on their foreheads. Today is Ash Wednesday, the day during each year that we remember that our earthly lives will end and that we have only a certain number of days to make Your creation better for those who follow us. The dirty smudge is a cross of ashes. Ash Wednesday pushes us to acknowledge our mortality that from the earth we came and unto the earth we will go, when our lives reach an end. Dear God, please help us to consider the great gift of life and to live it not only unto ourselves but for those who follow in the generations yet to come. 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 251**, AN ACT concerning taxation; relating to the earned income tax credit; reducing amount thereof and limiting credit to tax liability of taxpayer; amending K.S.A. 2014 Supp. 79-32,205 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 252**, AN ACT concerning crimes and punishment; relating to unlawful abuse of toxic vapors; amending K.S.A. 2014 Supp. 21-5712 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 253**, AN ACT concerning utilities; relating to the renewable energy standards act, sunset; amending K.S.A. 2014 Supp. 66-1256 and 66-1258 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:

Ethics and Elections: **SB 239**.

Federal and State Affairs: **SB 242**, **SB 243**.

Financial Institutions and Insurance: **SB 240**.

Local Government: **SB 244**, **SB 247**.

Transportation: **SB 245**; **HB 2013**, **HB 2091**.

Utilities: **SB 246**.

Ways and Means: **SB 241, SB 248, SB 249, SB 250**.

### REFERENCE OF APPOINTMENTS

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

*Judge, Kansas Court of Appeals:*

Kathryn Gardner, Topeka, effective upon the date of confirmation by the Senate, to serve a term as provided by K.S.A. 20-3010.

(Judiciary)

### CHANGE OF REFERENCE

An objection having been made to **SB 43, SB 73** appearing on the Consent Calendar, the President directed the bills be removed and placed on the calendar under the heading of General Orders.

### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2124**.

### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2124** was thereupon introduced and read by title.

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1717—

A RESOLUTION congratulating the Independence Lady Bulldogs tennis team on winning their 5<sup>th</sup> State Championship and commending Coach Ken Brown on his retirement.

WHEREAS, The Independence Lady Bulldogs tennis team won their 5<sup>th</sup> state title at the Kansas class 4A state championship; and

WHEREAS, The Lady Bulldogs won the team competition with a score of 46 points, beating out second-place McPherson by 9 points; and

WHEREAS, This year, the Lady Bulldogs won 79% of their matches, with 369 wins and 99 losses; and

WHEREAS, Members of this year's Independence Lady Bulldogs tennis team include: Sagan Shire, Halei Matthews, Shalei Matthews, Kalei Matthews, Qwynn Marquez, Calisse Papen, Katie Capps, Chelsea Cushing, Emily Wilson, Alex Keller, Abbi Groff, Caringtyn Julian, Anna Miller, Lyssa Schabel, Kaylee Bryant and Amanda Trout. The team's coach, Ken Brown, along with assistant coach Gina McLenon, worked diligently with this year's team, improving the team's skills and ultimately leading them to the 2014 class 4A state championship; and

WHEREAS, Being widely recognized as one of the preeminent tennis coaches in Kansas history, Ken Brown retired from his coaching career at the end of the 2014 fall season. Ken Brown devoted much of his professional life to teaching tennis to residents of Independence, both young and old. He spent 23 years coaching Independence

Community College tennis, 22 years coaching the Bulldog tennis boys team, 7 years coaching the Lady Bulldogs, 2 years coaching the Independence Middle School tennis team and 31 years directing City Recreation Summer Tennis; and

WHEREAS, Ken Brown coached teams that won four team state titles and five individual titles; and

WHEREAS, Ken Brown was the two-time Kansas Boys Tennis Coach of the Year, winning the award in 2000 and 2007; and

WHEREAS, Ken Brown and his coaching predecessors helped Independence achieve recognition by the United States Tennis Association as one of America's top three tennis towns; Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate the Independence Lady Bulldogs tennis team on its class 4A 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 we congratulate Ken Brown on a remarkable life spent molding the youth of Independence into champion athletes and even better men and women; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Jeff King.

On emergency motion of Senator King **SR 1717** was adopted by voice vote.

Senators honored the team and coaches with a standing ovation.

## REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 60** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 60," as follows:

"Substitute for SENATE BILL No. 60

By Committee on Education

"AN ACT concerning schools; relating to the Kansas state high school activities association; relating to participation by certain students.";

And the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **SB 123** be passed.

Committee on **Select KPERS** recommends **SB 168** be amended on page 3, following line 19, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 74-4914d is hereby amended to read as follows: 74-4914d. Any additional cost resulting from the normal retirement date and retirement before such normal retirement date for security officers as provided in K.S.A. 74-4914c, and amendments thereto, and disability benefits as provided in K.S.A. 74-4914e, and amendments thereto, shall be added to the employer rate of contribution for the department of corrections as otherwise determined under K.S.A. 74-4920, and amendments thereto, except that the employer rate of contribution for the department of corrections including any such additional cost added to such employer rate of contribution pursuant to this section shall in no event exceed the employer rate of contribution for the department of corrections for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which security officers contribute during the period: (a) For the fiscal year commencing in calendar years 2010 through 2012, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (b) for the fiscal year commencing in

calendar year 2013, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (c) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (d) for the fiscal year commencing in calendar year 2015, the employer rate of contribution shall be 10.91%, except that if bonds issued pursuant to section 1, and amendments thereto, have debt service payments that are fully or partially financed through the use of capitalized interest, or have capitalized interest-only debt service payments, the employer rate of contribution shall be an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (e) for the fiscal year commencing in calendar year 2016, the employer rate of contribution shall be 10.81% and for the fiscal year commencing in calendar year 2017, the employer rate of contribution shall be 10.48%, except that if bonds issued pursuant to section 1, and amendments thereto, have debt service payments that are fully or partially financed through the use of capitalized interest, or have capitalized interest-only debt service payments, the employer rate of contribution for both years shall be an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year; and (f) in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year. As used in this section, "capitalized interest" means interest payments on the bonds that are pre-funded or financed from bond proceeds as part of the issue for a specified period of time in order to offset one or more initial debt service payments.

Sec. 3. K.S.A. 2014 Supp. 74-4920 is hereby amended to read as follows: 74-4920. (1) (a) Upon the basis of each annual actuarial valuation and appraisal as provided for in ~~subsection (3)(a) of~~ K.S.A. 74-4908(3)(a), and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution which will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities which shall exist or accrue under the system, including amortization of the actuarial accrued liability as determined by the board. The board shall determine the actuarial cost method to be used in annual actuarial valuations, to determine the employer contribution rates that shall be certified by the board. Such certified rate of contribution, amortization methods and periods and actuarial cost method shall be based on the standards set forth in ~~subsection (3)(a) of~~ K.S.A. 74-4908(3)(a), and amendments thereto, and shall not be based on any other purpose outside of the needs of the system.

(b) (i) For employers affiliating on and after January 1, 1999, upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908, and amendments thereto, the board shall certify, on or before July 15 of each year to each such employer an actuarially determined estimate of the rate of contribution which shall be required to be paid by each such employer to pay all of the liabilities which shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be termed the employer's participating service contribution and shall be uniform for all participating employers. Such additional liability shall be amortized as determined by the board. For all participating employers described in this section, the board shall determine the actuarial cost method to be used in annual actuarial valuations to

determine the employer contribution rates that shall be certified by the board.

(ii) The board shall determine for each such employer separately an amount sufficient to amortize all liabilities for prior service costs which shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each such employer separately an actuarially determined estimate of the rate of contribution which shall be required to be paid by that employer to pay all of the liabilities for such prior service costs. Such rate shall be termed the employer's prior service contribution.

(2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation.

(3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each political subdivision, other than an instrumentality of the state, which is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act and, in the case of cities and counties, 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, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102, and amendments thereto. Each participating employer which is not by law authorized to levy taxes as described above, but which prepares a budget for its expenses for the ensuing year and presents the same to a governing body which is authorized by law to levy taxes as described above, may include in its budget an amount sufficient to make its contributions under this act which may be in addition to all other taxes authorized by law. Such governing body to which the budget is submitted for approval, may levy a tax sufficient to allow the participating employer to make its contributions under this act, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act.

(5) (a) The rate of contribution certified to a participating employer as provided in this section shall apply during the fiscal year of the participating employer which begins in the second calendar year following the year of the actuarial valuation.

(b) (i) Except as specifically provided in this section, for fiscal years commencing in calendar year 1996 and in each subsequent calendar year, the rate of contribution certified to the state of Kansas shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than 0.2% of the amount of compensation upon which members contribute during the period.

(ii) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to the state of Kansas and to the participating employers under K.S.A. 74-4931, and

amendments thereto, shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar years 2010 through 2012, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2013, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2015, the employer rate of contribution shall be 10.91%, except that if bonds issued pursuant to section 1, and amendments thereto, have debt service payments that are fully or partially financed through the use of capitalized interest, or have capitalized interest-only debt service payments, the employer rate of contribution shall be an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; ~~and~~ (E) for the fiscal year commencing in calendar year 2016, the employer rate of contribution shall be 10.81% and for the fiscal year commencing in calendar year 2017, the employer rate of contribution shall be 10.48%, except that if bonds issued pursuant to section 1, and amendments thereto, have debt service payments that are fully or partially financed through the use of capitalized interest, or have capitalized interest-only debt service payments, the employer rate of contribution for both years shall be an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year; and (F) in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year. As used in this subsection, "capitalized interest" means interest payments on the bonds that are pre-funded or financed from bond proceeds as part of the issue for a specified period of time in order to offset one or more initial debt service payments.

(iii) Except as specifically provided in this section, for fiscal years commencing in calendar year 1997 and in each subsequent calendar year, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed such participating employer's contribution rate for the immediately preceding fiscal year by more than 0.15% of the amount of compensation upon which members contribute during the period.

(iv) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed the contribution rate for such employers for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar years 2010 through 2013, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2016, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2017, and in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately

preceding fiscal year.

(v) As part of the annual actuarial valuation, there shall be a separate employer rate of contribution calculated for the state of Kansas, a separate employer rate of contribution calculated for participating employers under K.S.A. 74-4931, and amendments thereto, a combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, and a separate employer rate of contribution calculated for all other participating employers.

(vi) There shall be a combined employer rate of contribution certified to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto. There shall be a separate employer rate of contribution certified to all other participating employers.

(vii) If the combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, is greater than the separate employer rate of contribution for the state of Kansas, the difference in the two rates applied to the actual payroll of the state of Kansas for the applicable fiscal year shall be calculated. This amount shall be certified by the board for deposit as additional employer contributions to the retirement benefit accumulation reserve for the participating employers under K.S.A. 74-4931, and amendments thereto.

(6) The actuarial cost of any legislation enacted in the 1994 session of the Kansas legislature will be included in the June 30, 1994, actuarial valuation in determining contribution rates for participating employers.

(7) The actuarial cost of the provisions of K.S.A. 74-4950i, and amendments thereto, will be included in the June 30, 1998, actuarial valuation in determining contribution rates for participating employers. The actuarial accrued liability incurred for the provisions of K.S.A. 74-4950i, and amendments thereto, shall be amortized over 15 years.

(8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature, except the actuarial cost of K.S.A. 74-49,114a, and amendments thereto, shall be in addition to the employer contribution rates certified for the employer contribution rate in the fiscal year immediately following such enactment. Such actuarial cost shall be determined by the qualified actuary employed or retained by the system pursuant to K.S.A. 74-4908, and amendments thereto, and reported to the system and the joint committee on pensions, investments and benefits.

(9) Notwithstanding the provisions of subsection (8), the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be first reflected in employer contribution rates effective with the first day of the first payroll period for the fiscal year 2005. The actuarial accrued liability incurred for the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be amortized over 10 years.

(10) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 2014 Supp. 74-49,114b, and amendments thereto, for retirants other than local retirants as described in subsection (11) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2007.

(11) The actuarial accrued liability incurred for the provisions of K.S.A. 2014 Supp. 74-49,114b, and amendments thereto, for the KPERS local group and retirants who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(12) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 2014 Supp. 74-49,114c, and amendments thereto, for retirants other than local retirants as described in subsection (13) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2008.

(13) The actuarial accrued liability incurred for the provisions of K.S.A. 2014 Supp. 74-49,114c, and amendments thereto, for the KPERS local group and retirants who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(14) The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912, and amendments thereto, at rates different from the rate fixed for employers joining within one year of the first entry date.

(15) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

(16) Notwithstanding any provision of law to the contrary, each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive director for credit to the Kansas public employees retirement fund within three days after the end of the period covered by the remittance by electronic funds transfer. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection shall be subject to interest at the rate established for interest on judgments under ~~subsection (a) of~~ K.S.A. 16-204(a), and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

Sec. 4. K.S.A. 2014 Supp. 74-4914d and 74-4920 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "procedures" by inserting "; employer contribution rates; amending K.S.A. 2014 Supp. 74-4914d and 74-4920 and repealing the existing sections"; 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 Pilcher-Cook in the chair.

On motion of Senator Pilcher-Cook the following report was adopted:

Recommended: **SB 24**, **SB 36** be passed.

**SB 8**, **SB 11**, **SB 14**, **SB 17**, **SB 76**, **SB 101** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**REPORT ON ENROLLED BILLS**

**SR 1711, SR 1712, SR 1713, SR 1714, SR 1715, SR 1716** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 18, 2015.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, February 19, 2015.

# Journal of the Senate

TWENTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 19, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

The great poet Ralph Waldo Emerson once said that: “In art, the hand can never execute anything higher than the heart can imagine.” Decisions made without the heart tend to be decisions poorly made. It is the heart of a person that demonstrates our humanity, our relationship to others and our ability to care. Help us always in our days, O Lord, to engage our heart in all the decisions we make. In your name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## POINT OF PERSONAL PRIVILEGE

Senator Kelly rose on a Point of Personal Privilege to honor and introduce four Robinson Middle School students from Topeka who helped save a man’s life after they witnessed him struggling in the cold. The students, Tehya Bush, Alejandro Esparza, Noah Bush and Jessica Widow, saw a homeless man who was frozen from head to toe stumbling down their street and they sensed something was wrong. Rather than ignoring the man, the youngsters got involved, helping him after he had fallen, making sure he didn’t walk away, then called 911 for emergency care. Police who responded to the scene told the youths their actions likely saved the man’s life. As the man continued trying to get up, Tehya Bush told him help was on the way. The man heard sirens coming a short time later and became upset. “He kept saying, ‘I don’t got the money for this,’” Bush said. “And I said, ‘Well, we’re still gonna call for help, ‘cause you could get hurt out here.’” (*excerpts taken from The Topeka Capital-Journal story dated February 3, 2015*)

Other guests introduced included: Ann Bush, Anthony Bush, Maribel Heirrich, John Heirrich, Maria Chacon, Tinya Widow, Christina O’Brian, Temmy Hazelton, Todd Berry, Tammyh Hazelton, Todd Berry and Dr. Julie Ford.

Senators honored the students and guests with a standing ovation.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 254**, AN ACT concerning the behavioral sciences regulatory board; amending K.S.A. 65-5802, 65-5806, 65-5808, 65-6306, 65-6314, 65-6319, 65-6402, 65-6407, 65-

6408, 65-6411, 74-5302, 74-5311, 74-5318, 74-5322, 74-5361, 74-5363, 74-5365 and 74-5370 and K.S.A. 2014 Supp. 65-5804a, 65-5807, 65-5809, 65-6309, 65-6311, 65-6313, 65-6404, 65-6405, 65-6406, 65-6412, 65-6608, 65-6609, 65-6610, 65-6611, 65-6613, 65-6614, 65-6615, 65-6618, 74-5310, 74-5315, 74-5316, 74-5324, 74-5367, 74-5369, 74-5375, 74-7507 and 74-7508 and repealing the existing sections; also repealing K.S.A. 74-5319, 74-5320, 74-5321, 74-5325, 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336 and 74-5338 and K.S.A. 2014 Supp. 65-5815, 65-6619 and 74-5337, by Committee on Ways and Means.

**SB 255**, AN ACT concerning sales of cigarettes and tobacco products; relating to the directory and certification of tobacco product manufacturers; relating to disclosure of information and criminal penalties therefor; amending K.S.A. 50-6a02 and K.S.A. 2014 Supp. 50-6a04, 50-6a07, 50-6a10, 50-6a11, 50-6a16 and 75-5133 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:

Assessment and Taxation: **SB 251**.

Corrections and Juvenile Justice: **SB 252**.

Judiciary: **HB 2124**.

Utilities: **SB 253**.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2044**, **HB 2090**, **HB 2094**, **HB 2142**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2044**, **HB 2090**, **HB 2094**, **HB 2142** were thereupon introduced and read by title.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 8**, AN ACT concerning school district performance audits; amending K.S.A. 2014 Supp. 46-1226 and repealing the existing section; also repealing K.S.A. 2014 Supp. 46-1130 and 46-1132, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 11**, AN ACT concerning regulated scrap metal; relating to the crime of theft; sentencing; evidence at preliminary examination; regulation of scrap metal dealers; unlawful acts; penalties; amending K.S.A. 2014 Supp. 21-5804, 21-5813, 21-6604, 21-6804, 50-6,109, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b and 50-6,112c and repealing the existing sections; also repealing K.S.A. 2014 Supp. 21-6604c and 50-6,112, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 14**, AN ACT concerning the disposition of district court fines, penalties and forfeitures; relating to the criminal justice information system line fund; amending K.S.A. 2014 Supp. 74-7336 and repealing the existing section, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Melcher, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Lynn, Olson, Pilcher-Cook, Pyle, Tyson.

The bill passed, as amended.

**SB 17**, AN ACT concerning the judicial council; relating to membership; amending K.S.A. 20-2201 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Haley.

The bill passed, as amended.

**SB 24**, AN ACT concerning technical professions; amending K.S.A. 2014 Supp. 74-7003 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 36**, AN ACT concerning water; relating to multi-year flex accounts; amending K.S.A. 2014 Supp. 82a-708c and 82a-736 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-

Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 76**, AN ACT concerning insurance; relating to assessments; enacting the risk management and own risk and solvency assessment act; sanctions, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 101**, AN ACT concerning insurance; relating to the health care provider insurance availability act; definitions; amending K.S.A. 2014 Supp. 40-3401 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 89** be passed.

Also, **SB 128** be amended on page 7, in line 36, after "attorney," by inserting "a special assistant United States attorney,"; by striking all in line 37; in line 38, by striking all before the period and inserting "special assistant attorney general, a county attorney, an assistant county attorney, a special assistant county attorney, a district attorney, an assistant district attorney, a special assistant district attorney, a city attorney, an assistant city attorney or a special assistant city attorney"; and the bill be passed as amended.

**SB 214** be amended on page 7, in line 24, after "to" by inserting "three times"; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 77**, **SB 78** be passed.

Committee on **Judiciary** recommends **SB 148** be passed.

Also, **SB 184** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Natural Resources** recommends **SB 120**, **125** be passed.

Also, **SB 124** be amended on page 3, in line 30, after "(E)" by inserting "The seller of any property where land-spreading has occurred pursuant to this paragraph shall disclose such land-spreading and the date thereof to any potential purchaser of such

property.

(F)";

On page 4, following line 2, by inserting:

"(G) On or before January 30 of each year, the state corporation commission shall present a report to the senate standing committees on natural resources and ways and means and to the house standing committees on agriculture and natural resources and appropriations. Such report shall include, but not be limited to, information concerning the implementation and status of land-spreading procedures and the costs associated with the regulation of land-spreading pursuant to this paragraph."; and the bill be passed as amended.

**SB 156** be amended on page 2, in line 4, by striking "\$75,000" and inserting "\$95,000"; and the bill be passed as amended.

**SB 227** be amended on page 1, in line 8, by striking all after "holder"; in line 9, by striking all before "when";

On page 3, in line 20, by striking all after "plan"; by striking all in lines 21 and 22; in line 23, by striking all before the colon; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 182** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 182," as follows:

"Substitute for SENATE BILL No. 182

By Committee on Public Health and Welfare

"AN ACT concerning the department of health and environment; relating to the elimination of inspector general; amending K.S.A. 2014 Supp. 75-2973 and repealing the existing section; also repealing K.S.A. 2014 Supp. 75-7427.";

And the substitute bill be passed.

#### COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Donovan in the chair.

On motion of Senator Donovan the following report was adopted:

Recommended: **SB 52**, **SB 55**, **SB 72**, **SB 95** be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Francisco to amend **SB 95** failed.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, February 20, 2015.

# Journal of the Senate

TWENTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, February 20, 2015, 8:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

Mighty God, thank you for giving us tasks that frustrate us, for in that frustration we find strength. Thank you for giving us hope, for in that hope we find a reason to continue. Thank you, Lord, for giving us examples, for through those examples we find that our situation is hardly as difficult as it first appeared and thank you, God, for giving us the honesty and the willingness to know ourselves well enough to consider being a happily frustrated, hopeful example for others. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 256**, AN ACT concerning social welfare; Kansas department for children and families; eligibility requirements for assistance; amending K.S.A. 17-2263, 17-5828, 39-709b, 59-1301 and 59-3504 and K.S.A. 2014 Supp. 9-1215, 9-1216, 16-311, 17-2264, 17-5829, 39-702, 39-709, 39-709c, 39-753, 39-756a, 59-2222, 59-2247, 59-2801 and 59-3086 and repealing the existing sections; also repealing K.S.A. 39-7,101, 39-7,106, 39-7,107, 39-7,110 and 75-5364 and K.S.A. 2014 Supp. 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,108, 39-7,109 and 39-7,122, by Committee on Federal and State Affairs.

**SB 257**, AN ACT concerning property tax; relating to exemptions; providing a ten-year limitation on exemption for property used for renewable energy resources or technologies; amending K.S.A. 2014 Supp. 79-201 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 258**, AN ACT repealing K.S.A. 2014 Supp. 79-201x; eliminating property tax exemption from statewide school levy for property used for residential purposes to the extent of \$20,000 of its appraised valuation, by Committee on Assessment and Taxation.

**SB 259**, 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 260**, AN ACT concerning income taxation; relating to certain modifications of Kansas adjusted gross income relative to passive income; amending K.S.A. 2014 Supp. 79-32,117 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:

Financial Institutions and Insurance: **HB 2142**.

Judiciary: **SB 255**.

Public Health and Welfare: **SB 254**.

Transportation: **HB 2044, HB 2090, HB 2094**.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 52**, AN ACT concerning water; related to the diversion of water; chief engineer; amending K.S.A. 82a-706b 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 55**, AN ACT concerning insurance; relating to certain financial examinations; pertaining to consulting fees; examination period; amending K.S.A. 40-2127 and K.S.A. 2014 Supp. 40-223 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 72**, AN ACT regulating traffic; allowing transit buses to operate on certain right shoulders; amending K.S.A. 2014 Supp. 75-5091 and repealing the existing section, 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, Arpke, Baumgardner, Bowers, Bruce, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, Schmidt, Tyson, Wagle, Wilborn, Wolf.

Nays: Denning, Lynn, Melcher, Pilcher-Cook, Smith.

The bill passed, as amended.

**SB 95**, AN ACT concerning abortion; creating the Kansas unborn child protection from dismemberment abortion act, 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, Arpke, Baumgardner, 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, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, Schmidt.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Madam President: To destroy an unborn child by employing the barbaric and immoral practice of dismemberment is deplorable. It is unimaginable how such a procedure could be utilized by a medical practitioner. Given its use, however, I'm saddened to say the necessity of this bill arises. Failure to specifically prohibit dismemberment abortion not only continues the liberal assault on the unborn, it amounts to the implicit approval of a brutal and inhumane procedure and will further coarsen society to the humanity of the unborn, as well as all vulnerable and innocent human life. Accordingly, I vote "Aye."—TERRY BRUCE

Senators Abrams, Arpke, Baumgardner, Holmes, Lynn, Olson, Ostmeyer, Petersen, Pilcher-Cook and Smith request the record to show they concur with the "Explanation of Vote" offered by Senator Bruce on **SB 95**.

Madam President: Some women are faced with difficult choices; some of those women feel they have no choice. Prior to the passage of the laws to allow for safe and legal abortions, abortions were taking place, however, with women putting their lives at risk and by doctors who became criminals. I believe **SB 95** takes a step back to that former time, placing a doctor in the difficult position of following the code to provide the best standard of care or breaking the law with the same result – greater risks for some women. If we are spending tax dollars, let us spend them on research and training to improve our medical practices rather than litigation on constitutionality. This vote is not an easy choice, but I vote "No" and believe in doing so I am standing on the side of love.—MARCI FRANCISCO

Senator Hawk requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **SB 95**.

Madam President: I vote "No" on **SB 95** because it will do nothing to reduce the number of abortions in the state of Kansas. It will only make them less safe and more costly.—LAURA KELLY

Senator Hensley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Kelly on **SB 95**.

Madam President: I vote "No" on **SB 95**; a so-called "Kansas Unborn Child Protection From Dismemberment Act." I am personally and publicly opposed to dismemberment of any human, born or deceased. (I believe that most of the world shares my shock over the rise of beheadings.) And I realize, all of this is theater and grand posturing and dedication to reducing women's private health-related choices that should, by constitutionality, remain unfettered. Kansans want more access and less governmental intrusion in their lives. It might play well for headlines back home. And, so, **SB 95**'s title, despite its sinister somber idioms, to quote a quotable Alaskan is merely putting "lipstick on a pig;" limiting freedom to Americans. And by voting for this (actually "The Physician Intimidation and Criminalization Act"), you are! You are insuring that approximately nine (9%) percent of all women who are in an unwanted or crisis pregnancy will not have the safest clinical-based option. You are insuring yet another expensive lawsuit against our state; our broke, cash-strapped state, as we continue our race to the bottom of the fifty states. The continued mislabeling of a fetus in **SB 95** as an "unborn child" does not undo the correct scientific category of this period of human gestation. I trust medical manuals for accurate biological definitions. Although I am not a woman, I trust women to conduct their lives in a free society. Accordingly, I vote "No" on **SB 95**.—DAVID HALEY

#### COMMITTEE ASSIGNMENTS

President Wagle announced the temporary appointment of committee members to the Committee on **Federal and State Affairs** for Monday, February 23, 2015: Senator Hensley to replace Senator Holland, Senator Schmidt to replace Senator Olson and Senator Tyson to replace Senator Wolf.

#### SPECIAL ANNOUNCEMENT

Senator Bruce cited Senate Rule 56, giving one day's notice to the Senate concerning the appointments of Allen Schmidt and Laura McConwell to be considered on Monday, February 23, 2015.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 84** be amended on page 1, in line 18, after "properties" by inserting ", unless the exterior of the property is being maintained and the property is either the subject of a probate action, action to quiet title or other ownership dispute, or the property is subject to a mortgage"; in line 25, by striking ", morals"; in line 26, by striking "including, but not limited to, economic welfare,"; in line 30, by striking "light" and inserting "lack of ventilation"; in line 31, by striking all after the second semicolon; by striking all in lines 32 through 34; in line 35, by striking all before "unsightly";

On page 2, in line 1, by striking "inadequate drainage,"; in line 2, after "building" by inserting "or property maintenance codes"; following line 12, by inserting:

"The provisions of subsection (c)(2) shall expire on July 1, 2019.";

Also on page 2, in line 19, by striking "for community development or economic"; in line 20, by striking "development purposes" and inserting "prior to July 1, 2019, for ancillary facilities relating to housing, including, but not limited to, infrastructure, open space, parks and parking facilities"; in line 27, after "(2)" by inserting "Prior to July 1, 2019,"; in line 34, by striking "community"; in line 35, by striking "development or

economic development purposes" and inserting "ancillary facilities relating to housing, including, but not limited to, infrastructure, open space, parks and parking facilities";

On page 3, in line 6, after "or" by inserting "prior to July 1, 2019,"; in line 23, after "or" by inserting "prior to July 1, 2019,"; in line 27, after "or" by inserting "prior to July 1, 2019,"; in line 35, after "or" by inserting "prior to July 1, 2019,"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 70** be amended on page 2, following line 8, by inserting:

"(d) (1) Each person subject to the provisions of this section who has been convicted of any offense or act specified in K.S.A. 72-1397(a) or (b), and amendments thereto, or who has entered into a criminal diversion agreement after having been charged with any offense or act specified in K.S.A. 72-1397(b), and amendments thereto, shall file a report with the school district indicating the name, address and social security number of such person. Such report shall be filed within 30 days of the date of such conviction or the date such person entered into any such diversion agreement.

(2) Failure to file a report as required by this subsection is a class B misdemeanor.";

On page 5, in line 23, by striking "Any person" and inserting "Each person subject to the provisions of this section";

On page 7, in line 23, after "checks" by inserting ", utilizing the files and records of the Kansas bureau of investigation and the federal bureau of investigation"; following line 31, by inserting:

"(g) (1) Each person subject to the provisions of subsection (f) who has been convicted of any offense or act specified in K.S.A. 72-1397(a) or (b), and amendments thereto, or who has entered into a criminal diversion agreement after having been charged with any offense or act specified in K.S.A. 72-1397(b), and amendments thereto, shall file a report with the public innovative district indicating the name, address and social security number of such person. Such report shall be filed within 30 days of the date of such conviction or the date such person entered into any such diversion agreement.

(2) Failure to file a report as required by this subsection is a class B misdemeanor."; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 171** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 171," as follows:

"Substitute for SENATE BILL No. 171

By Committee on Ethics and Elections

"AN ACT concerning elections and voting; relating to certain municipalities and special districts; amending K.S.A. 2-623, 13-1221, 19-2760, 19-3505, 19-3507, 24-504, 25-204, 25-209, 25-210, 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, 25-2804, 25-2901, 25-3503, 71-1408, 71-1412, 71-1413, 71-1414, 71-1419, 72-8008 and 80-2508 and K.S.A. 2014 Supp. 2-624, 24-412, 24-414, 24-459, 24-506, 25-205, 25-213, 25-611, 25-618, 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, 12-1038, 19-2762 and 71-1417.";

And the substitute bill be passed.

Also, **SB 26** be amended on page 1, in line 21, by striking "in" and inserting "by the candidate or the candidate's spouse for travel, lodging and"; in line 24, after "the" by inserting "state or"; also in line 24, after the stricken material by inserting "or"; in line 26, by striking "; or"; by striking all in lines 27 through 30; in line 31, by striking "community"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 45** be amended on page 7, in line 5, before "a shotgun" by inserting "any pistol, revolver or other firearm concealed on one's person if such person is under 21 years of age, except when on such person's land or in such person's abode or fixed place of business; or

(5)"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 38** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 38," as follows:

"Substitute for SENATE BILL No. 38

By Committee on Judiciary

"AN ACT concerning patent infringement; relating to bad faith assertions of patent infringement; Kansas consumer protection act.";

And the substitute bill be passed.

Also, **SB 15** be amended on page 1, in line 17, after "law." by inserting ""Dispositive motion" also shall include any motion determined by a judge to be seeking any disposition described in this subsection, regardless of the title assigned to such motion at the time of filing."; and the bill be passed as amended.

**SB 59** be amended on page 1, in line 13, after "arraignments." by inserting "A district magistrate judge shall have jurisdiction over uncontested actions for divorce."; in line 14, by striking "in civil cases,"; in line 17, after the first "and" by inserting "all other civil cases, and shall have"; in line 18, by striking all after the period; by striking all in lines 19 through 22; in line 23, by striking "for divorce.";

On page 3, in line 18, by striking "for" and inserting ", the chief judge shall reassign"; also in line 18, by striking "filed under the"; in line 19, by striking "Kansas code for care of children"; in line 21, by striking "the chief judge shall reassign such action"; and the bill be passed as amended.

**SB 104** be amended on page 7, following line 35, by inserting:

"Sec. 9. K.S.A. 2014 Supp. 38-2203 is hereby amended to read as follows: 38-2203. (a) Proceedings concerning any child who may be a child in need of care shall be governed by this code, except in those instances when the court knows or has reason to know that an Indian child is involved in the proceeding, in which case, the Indian child welfare act of 1978, 25 U.S.C. § 1901 et seq., applies. The Indian child welfare act may apply to: The filing to initiate a child in need of care proceeding, K.S.A. 2014 Supp. 38-2234, and amendments thereto; ex parte custody orders, K.S.A. 2014 Supp. 38-2242, and amendments thereto; temporary custody hearing, K.S.A. 2014 Supp. 38-2243, and amendments thereto; adjudication, K.S.A. 2014 Supp. 38-2247, and amendments thereto; burden of proof, K.S.A. 2014 Supp. 38-2250, and amendments thereto;

disposition, K.S.A. 2014 Supp. 38-2255, and amendments thereto; permanency hearings, K.S.A. 2014 Supp. 38-2264, and amendments thereto; termination of parental rights, K.S.A. 2014 Supp. 38-2267, 38-2268 and 38-2269, and amendments thereto; establishment of permanent custodianship, K.S.A. 2014 Supp. 38-2268 and 38-2272, and amendments thereto; the placement of a child in any foster, pre-adoptive and adoptive home and the placement of a child in a guardianship arrangement under article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto.

(b) Subject to the uniform child custody jurisdiction and enforcement act, K.S.A. 2014 Supp. 23-37,101 through 23-37,405, and amendments thereto, the district court shall have original jurisdiction of proceedings pursuant to this code.

(c) The court acquires jurisdiction over a child by the filing of a petition pursuant to this code or upon issuance of an ex parte order pursuant to K.S.A. 2014 Supp. 38-2242, and amendments thereto. When the court acquires jurisdiction over a child in need of care, jurisdiction may continue until the child has: (1) Become 18 years of age, or until June 1 of the school year during which the child became 18 years of age if the child is still attending high school unless there is no court approved transition plan, in which event jurisdiction may continue until a transition plan is approved by the court or until the child reaches the age of 21; (2) been adopted; or (3) been discharged by the court. Any child 18 years of age or over may request, in writing to the court, that the jurisdiction of the court cease. The court shall give notice of the request to all parties and interested parties and 30 days after receipt of the request, jurisdiction will cease.

(d) When it is no longer appropriate for the court to exercise jurisdiction over a child, the court, upon its own motion or the motion of a party or interested party at a hearing or upon agreement of all parties or interested parties, shall enter an order discharging the child. Except upon request of the child pursuant to subsection (c), the court shall not enter an order discharging a child until June 1 of the school year during which the child becomes 18 years of age if the child is in an out-of-home placement, is still attending high school and has not completed the child's high school education.

(e) When a petition is filed under this code, a person who is alleged to be under 18 years of age shall be presumed to be under that age for the purposes of this code, unless the contrary is proved.

(f) A court's order issued in a proceeding pursuant to this code, shall take precedence over such orders in a civil custody case, a proceeding under article 31 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, protection from abuse act, or a comparable case in another jurisdiction, except as provided by K.S.A. 2014 Supp. 23-37,101 through 23-37,405, and amendments thereto, uniform child custody jurisdiction and enforcement act.

(g) In any proceeding under this code, the court may allow a child to appear by means of two-way electronic audio-visual communication in lieu of personal presence of the child.

Sec. 10. K.S.A. 2014 Supp. 38-2343 is hereby amended to read as follows: 38-2343. (a) *Basis for extended detention; findings and placement.* Whenever a juvenile is taken into custody, the juvenile shall not remain in detention for more than 48 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, from the time the initial detention was imposed, unless the court determines after hearing, within the 48-hour period, that further detention is necessary because detention is warranted in light of all relevant factors, including, but

not limited to, the criteria listed in K.S.A. 2014 Supp. 38-2331, and amendments thereto, and the juvenile is dangerous to self or others or is not likely to appear for further proceedings.

(1) If the juvenile is in custody on the basis of a new offense which would be a felony or misdemeanor if committed by an adult and no prior judicial determination of probable cause has been made, the court shall determine whether there is probable cause to believe that the juvenile has committed the alleged offense.

(2) If the court finds the juvenile is dangerous to self or others, the juvenile may be detained in a juvenile detention facility or youth residential facility which the court shall designate.

(3) If the court finds the juvenile is not likely to appear for further proceedings, the juvenile may be detained in a juvenile detention facility or youth residential facility which the court shall designate or may be released upon the giving of an appearance bond in an amount specified by the court and on the conditions the court may impose, in accordance with the applicable provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto.

(4) In the absence of the necessary findings, the court shall order the juvenile released or placed in temporary custody as provided in subsection (g).

(b) *Waiver of detention hearing.* The detention hearing may be waived in writing by the juvenile and the juvenile's attorney with approval of the court. The right to a detention hearing may be reasserted in writing by the juvenile or the juvenile's attorney or parent at anytime not less than 48 hours prior to trial.

(c) *Notice of hearing.* Whenever it is determined that a detention hearing is required the court shall immediately set the time and place for the hearing. Except as otherwise provided by ~~subsection (c)(1) of~~ K.S.A. 2014 Supp. 38-2332(c)(1), and amendments thereto, notice of the detention hearing shall be given at least 24 hours prior to the hearing, unless waived.

When there is insufficient time to give written notice, oral notice may be given and is completed upon filing a certificate of oral notice with the clerk.

(d) *Attorney for juvenile.* At the time set for the detention hearing if no retained attorney is present to represent the juvenile, the court shall appoint an attorney, and may recess the hearing for 24 hours, excluding Saturdays, Sundays and legal holidays, to obtain attendance of the attorney appointed.

(e) *Hearing.* The detention hearing is an informal procedure to which the ordinary rules of evidence do not apply. The court may consider affidavits, professional reports and representations of counsel to make the necessary findings, if the court determines that these materials are sufficiently reliable. If probable cause to believe that the juvenile has committed an alleged offense is contested, the court shall allow the opportunity to present contrary evidence or information upon request. If the court orders the juvenile to be detained in a juvenile detention facility, the court shall record the specific findings of fact upon which the order is based.

(f) *Rehearing.* (1) If detention is ordered and the parent was not notified of the hearing and did not appear and later requests a rehearing, the court shall rehear the matter without unnecessary delay.

(2) Within 14 days of the detention hearing, if the juvenile had not previously presented evidence regarding the determination of probable cause to believe that the juvenile has committed an offense, the juvenile may request a rehearing to contest the

determination of probable cause to believe that the juvenile has committed an offense. The rehearing request shall identify evidence or information that the juvenile could not reasonably produce at the detention hearing. If the court determines that the evidence or information could not reasonably be produced at the detention hearing, the court shall rehear the matter without unnecessary delay.

(g) *Temporary custody.* If the court determines that detention is not necessary but finds that release to the custody of a parent is not in the best interests of the juvenile, the court may place the juvenile in the temporary custody of some suitable person willing to accept temporary custody or the commissioner. Such finding shall be made in accordance with K.S.A. 2014 Supp. 38-2334 and 38-2335, and amendments thereto.

(h) ~~Audio-video~~Audio-visual communications. Detention hearings may be conducted by two-way electronic ~~audio-video~~ audio-visual communication between the juvenile and the judge in lieu of personal presence of the juvenile or the juvenile's attorney in the courtroom from any location within Kansas in the discretion of the court. The juvenile may be accompanied by the juvenile's attorney during such proceedings or the juvenile's attorney may be personally present in court as long as a means of confidential communication between the juvenile and the juvenile's attorney is available.

Sec. 11. K.S.A. 2014 Supp. 38-2344 is hereby amended to read as follows: 38-2344. (a) When the juvenile appears without an attorney in response to a complaint, the court shall inform the juvenile of the following:

- (1) The nature of the charges in the complaint;
- (2) the right to hire an attorney of the juvenile's own choice;
- (3) the duty of the court to appoint an attorney for the juvenile if no attorney is hired by the juvenile or parent; and
- (4) that the court may require the juvenile or parent to pay the expense of a court appointed attorney.

Upon request the court shall give the juvenile or parent an opportunity to hire an attorney. If no request is made or the juvenile or parent is financially unable to hire an attorney, the court shall forthwith appoint an attorney for the juvenile. The court shall afford the juvenile an opportunity to confer with the attorney before requiring the juvenile to plead to the allegations of the complaint.

(b) When the juvenile appears with an attorney in response to a complaint, the court shall require the juvenile to plead guilty, nolo contendere or not guilty to the allegations stated in the complaint, unless there is an application for and approval of an immediate intervention program. Prior to making this requirement, the court shall inform the juvenile of the following:

- (1) The nature of the charges in the complaint;
- (2) the right of the juvenile to be presumed innocent of each charge;
- (3) the right to jury trial without unnecessary delay;
- (4) the right to confront and cross-examine witnesses appearing in support of the allegations of the complaint;
- (5) the right to subpoena witnesses;
- (6) the right of the juvenile to testify or to decline to testify; and
- (7) the sentencing alternatives the court may select as the result of the juvenile being adjudicated a juvenile offender.

(c) If the juvenile pleads guilty to the allegations contained in a complaint or pleads nolo contendere, the court shall determine, before accepting the plea and entering a sentence: (1) That there has been a voluntary waiver of the rights enumerated in subsections (b)(2), (3), (4), (5) and (6); and (2) that there is a factual basis for the plea.

(d) If the juvenile pleads not guilty, the court shall schedule a time and date for trial to the court.

(e) First appearance may be conducted by two-way electronic ~~audio-video~~ audio-visual communication between the juvenile and the judge in lieu of personal presence of the juvenile or the juvenile's attorney in the courtroom from any location within Kansas in the discretion of the court. The juvenile may be accompanied by the juvenile's attorney during such proceedings or the juvenile's attorney may be personally present in court as long as a means of confidential communication between the juvenile and the juvenile's attorney is available.";

On page 8, in line 35, after "22-3405" by inserting ", 38-2203, 38-2343, 38-2344";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "3405" by inserting ", 38-2203, 38-2343, 38-2344"; and the bill be passed as amended.

## TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 16 through February 20, 2015:

Senator Bowers: recognizing Parkes Wolters on achieving the rank of Eagle Scout;

Senator Kelly: congratulating Chris Hupe on being named the Wamego Chamber of Commerce Citizen of the Year; congratulating Jake and Gladys Heim on their 60th Wedding Anniversary; congratulating Richard and Mary Hinchsliff on their 63rd Wedding Anniversary; congratulating Wamego Telecommunication on being named the Wamego Chamber of Commerce Business of the Year; congratulating Chris Richmond on receiving the 2014 Impact Award; congratulating Dale Burkholder on receiving the 2014 Impact Award;

Senator Faust-Goudeau: congratulating the American Diabetes Association on its 75th Anniversary; congratulating Frances Jones on her 98th Birthday;

Senator Ostmeyer: recognizing Michael A. Gabel on achieving the rank of Eagle Scout; congratulating Wheatfield High School on winning first place at the 3rd Annual Night At the Lab; and

Senator Pettey: congratulating Rosedale Middle School 8th Grade Class and Antonio Droge on winning 1st Place in the I AM HERE-KC Healthy Kids contest.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, February 23, 2015.

# Journal of the Senate

THIRTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 23, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 39 senators present.  
Senator Holland was excused.  
Invocation by Father Don Davidson:

Humanity agrees on little and although agreement may be far away, most everyone complains about the weather. Those of us who live in areas where the weather has always been unpredictable seem to have the shortest of memories of when it was ever this cold or when have we ever had such heat. Dear Lord, thank you for making us the way we are, but help us along our earthly journey to be better stewards of the earth you have made and less concerned for our own comfort, for you are the Lord of all. 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 261**, AN ACT concerning sales taxation; relating to gas, electricity, heat and other fuel sources for production of heat and lighting for residential premises and agricultural use; imposing state sales tax thereon; amending K.S.A. 2014 Supp. 79-3603 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 262**, AN ACT concerning charitable gaming; establishing the charitable gaming act; amending K.S.A. 2014 Supp. 21-6403 and 79-3603 and repealing the existing sections; also repealing K.S.A. 79-4702 and 79-4715 and K.S.A. 2014 Supp. 79-4701, 79-4701a, 79-4703, 79-4704, 79-4705, 79-4705a, 79-4706, 79-4707, 79-4708, 79-4710, 79-4711, 79-4712a, 79-4713, 79-4716, 79-4717, 79-4718 and 79-4719, by Committee on Federal and State Affairs.

**SB 263**, AN ACT concerning sales taxation; providing for sales tax exemption for certain sales of fresh fruit and vegetables; amending K.S.A. 2014 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 264**, AN ACT concerning sales taxation; eliminating the sales tax exemptions for farm machinery and equipment; amending K.S.A. 2014 Supp. 79-3606 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:

Assessment and Taxation: **SB 257, SB 258, SB 259, SB 260.**

Public Health and Welfare: **SB 256.**

**CHANGE OF REFERENCE**

The Vice President withdrew **SB 61** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Federal and State Affairs.**

The Vice President withdrew **SB 162** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Ways and Means.**

**MESSAGES FROM THE GOVERNOR**

February 23, 2015

*Message to the Senate of the State of Kansas*

Enclosed herewith is Executive Order No. 15-03 for your information.

SAM BROWNBACK  
*Governor*

Vice President King announced Executive Order No. 15-03, regarding creating the Social Services Policy Council is on file in the office of the Secretary of the Senate and available for review at any time.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2053, HB 2155, HB 2156, HB 2164, HB 2165.**

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2053, HB 2155, HB 2156, HB 2164, HB 2165** were thereupon introduced and read by title.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators O'Donnell, Donovan, Faust-Goudeau, Kerschen, Masterson, McGinn, Petersen and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1718—

A RESOLUTION recognizing the 44<sup>th</sup> Wichita Riverfest.

WHEREAS, Originally a one-day event in 1970 to recognize Wichita's centennial, the Wichita River Festival, now known as Riverfest, has grown into the largest community event in Kansas; and

WHEREAS, The nine-day event, which involved more than 200 community partners and 5,000-plus volunteers and attracted 380,000 attendees in 2014, is celebrating its 44<sup>th</sup> Festival from May 29 to June 6, 2015; and

WHEREAS, Riverfest enhances the region's quality of life and creates an economic impact between \$25 and \$30 million annually; and

WHEREAS, 2014 ticket sales made Riverfest the 35<sup>th</sup> largest outdoor event site worldwide, as compiled by Pollstar, and the event has been named one of the top 100 festival destinations in the United States by travel and leisure organizations. Over the years, Riverfest and its lead volunteers have received dozens of industry awards; and

WHEREAS, Wichita Festivals, Inc. is the producing organization of Riverfest and its mission is to create diverse and high-quality community celebrations: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize Riverfest's success as a signature event for generations of area citizens that brings people of all interests and backgrounds together to celebrate all things Wichita with a high-quality, family-friendly, engaging and safe community celebration; and

*Be it further resolved:* That the Secretary of the Senate shall send eight enrolled copies of this resolution to Senator O'Donnell.

On emergency motion of Senator O'Donnell **SR 1718** was adopted by voice vote.

Guests introduced included Ron Ryan, Renae Ryan, Todd Johnson, Chris Goebel, Rigby Carey, Bob Dool, Mary Eves, Mary Beth Jarvis and Brenda Johnson.

Senators honored the guests with a standing ovation.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Federal and State Affairs** begs leave to submit the following report:

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

*By the Governor:*

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

Allen Schmidt, to fill a term expiring on March 15, 2017.

#### **CONSIDERATION OF APPOINTMENTS**

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

Senator Bruce moved the following appointment be confirmed as recommended by the Committee on Federal and State Affairs.

*By the Governor*

On the appointment to the:

*State Civil Service Board:*

Allen Schmidt, Term ends March 15, 2017

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

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

Absent or Not Voting: Holland.

The appointment was confirmed.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Corrections and Juvenile Justice** recommends **SB 18** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 18," as follows:

## "Substitute for SENATE BILL No. 18

By Committee on Corrections and Juvenile Justice

"AN ACT concerning law enforcement; relating to audio and video recordings; confidential and exempt from open records act.";

And the substitute bill be passed.

Committee on **Education** recommends **SB 188** be amended on page 2, in line 39, before "each" by inserting "On or before November 1 of each school year,"; also in line 39, by striking "annually";

On page 3, in line 32, after "(i)" by inserting "(a) For school districts with a total enrollment of 500 or more,"; in line 34, after "year" by inserting "and the title of each such employee"; following line 34, by inserting:

"(b) for school districts with a total enrollment of less than 500, the aggregate annual compensation for each of the three employees of the school district receiving the largest amount of aggregate annual compensation for the current school year and the title of each such employee;

(ii) the expenditures budgeted by the school district for the current school year for amounts to be paid to or on behalf of members of the school district board of education, including, but not limited to, association dues, travel and per diem expenses and reimbursements for any other expenses;"

And by redesignating remaining subparagraphs accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 113** be passed.

Also, **SB 112** be amended on page 1, in line 12, by striking "32-1178" and inserting "32-1179"; and the bill be passed as amended.

**SB 133** be amended on page 2, in line 13, by striking "A person is immune from criminal prosecution for a violation"; by striking all in lines 14 through 35; in line 36, by striking "(3)" and inserting "A person and, if applicable, one or two other persons acting in concert with such person are immune from criminal prosecution for a violation of this section, and any city ordinance or county resolution prohibiting the acts prohibited by this section, if such person:

(A) (i) Initiated contact with law enforcement or emergency medical services and requested medical assistance on such person's behalf because such person reasonably believed such person was in need of medical assistance; and

(ii) cooperated with emergency medical services personnel and law enforcement officers;

(B) (i) initiated contact with law enforcement or emergency medical services, or was one of one or two other persons who acted in concert with such person, and requested medical assistance for another person who reasonably appeared to be in need of medical assistance;

(ii) provided their full name, the name of one or two other persons acting in concert with such person, if applicable, and any other relevant information requested by law enforcement or emergency medical services;

(iii) remained at the scene with the person who reasonably appeared to be in need of medical assistance until emergency medical services personnel and law enforcement officers arrived; and

(iv) cooperated with emergency medical services personnel and law enforcement officers; or

(C) (i) was the person who reasonably appeared to be in need of medical assistance as described in subsection (f)(1)(B), but did not initiate contact with law enforcement or emergency medical services; and

(ii) cooperated with emergency medical services personnel and law enforcement officers.

(2)"; and the bill be passed as amended.

**SB 140** be amended on page 1, in line 26, by striking "county or district"; in line 27, by striking "attorney shall file a motion for judgment of default. The"; in line 28, before "enter" by inserting "on motion by the county attorney or district attorney"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 127** be amended on page 1, in line 6, before "Section" by inserting "New"; following line 13, by inserting:

"New Sec. 2. That portion of United States highway 69 from the junction of United States highway 69 and 135<sup>th</sup> street in Johnson county, then south on United States highway 69 to the junction of United States highway 69 and 167<sup>th</sup> street is hereby designated as the 2<sup>nd</sup> Lieutenant Justin L Sisson memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the 2<sup>nd</sup> Lieutenant Justin L Sisson memorial highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

New Sec. 3. The portion of K-96 highway from the junction with interstate highway 135 then east to the junction with Rock Road in Sedgwick county is hereby designated as the George Ablah expressway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the George Ablah expressway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

Sec. 4. K.S.A. 2014 Supp. 68-10,106 is hereby amended to read as follows: 68-10,106. The portion of K-96 highway from the junction with ~~interstate highway 135~~ Rock Road in Sedgwick county then east to the junction with interstate highway 35 is hereby designated as the Bonnie Huy memorial highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the Bonnie Huy memorial highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

New Sec. 5. That portion of K-7 highway from the southern city limits of the city of Lansing then north on K-7 highway to the northern city limits of the city of Lansing is hereby designated as the Kenneth W Bernard memorial highway. The secretary of

transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the Kenneth W Bernard memorial highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

Sec. 6. K.S.A. 68-1034 is hereby amended to read as follows: 68-1034. From the junction of United States highway 24 and United States highway 40 with United States highway 73 and highway K-7, United States highway 73 and highway K-7 north to the southern city limits of Lansing, then north from the northern city limits of Lansing to the eastern junction with United States highway 59 in the city of Atchison, United States highway 73 west to the junction with United States highway 159, is hereby designated as the Amelia Earhart memorial highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the Amelia Earhart memorial highway. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

Sec. 7. K.S.A. 68-1034 and K.S.A. 2014 Supp. 68-10,106 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "installation" by inserting "; designating the 2<sup>nd</sup> Lieutenant Justin L Sisson memorial highway, the George Ablah expressway and the Kenneth W Bernard memorial highway; amending K.S.A. 68-1034 and K.S.A. 2014 Supp. 68-10,106 and repealing the existing sections"; and the bill be passed as amended.

Also, **SB 150** be amended on page 1, in line 23, by striking "an"; in line 24, by striking "officer" and inserting "a duly authorized representative"; and the bill be passed as amended.

**SB 190** be amended on page 1, in line 22, by striking "either: (A)"; in line 23, by striking "with a" and inserting "that does not have a motor and has an overall"; also in line 23, by striking "20 feet" and inserting "16 feet, seven inches"; also in line 23, after "less" by inserting a comma; in line 24, by striking all following "class"; by striking all in lines 25 and 26; in line 27, by striking all before the period;

On page 1, in the title, in line 1 by striking "safety education"; also in line 1, by striking "sailboats"; in line 2, by striking all before the semicolon and inserting "safety education courses, exceptions therefrom; certain sailboats"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 24, 2015.

# Journal of the Senate

THIRTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 24, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 38 senators present.  
Senators Holland and Ostmeyer were excused.  
Invocation by Father Don Davidson:

Dear Lord, how did we ever live before cell phones? Sometimes I wonder about our need to text or call people that we really do not want to visit or see? How did that happen? Although human interaction can be difficult at times, when passions and opinions get the best of us, yet help us to be thankful for the gift you have given us when we get to know and care about each other. No cell phone needed. 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 265**, AN ACT concerning hospitals; relating to designated lay caregivers; duties; policies and procedures, by Committee on Ways and Means.

**SB 266**, AN ACT concerning landlords and tenants; relating to the residential landlord and tenant act; amending K.S.A. 58-2543 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 261, SB 263, SB 264.**

Corrections and Juvenile Justice: **HB 2053.**

Federal and State Affairs: **SB 262; HB 2155.**

Local Government: **HB 2164, HB 2165.**

Natural Resources: **HB 2156.**

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Faust-Goudeau, Bowers, Hensley and O'Donnell introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1719—

A RESOLUTION commending the firefighters of Kansas for their selfless service and observing the month of October as Firefighter Appreciation Month.

WHEREAS, Firefighters have one of the most hazardous professions, requiring extensive training, strength, endurance, courage and a selfless concern for the welfare of our Kansas citizens; and

WHEREAS, The goals of every firefighter include fire prevention, fire suppression and protection of life; and

WHEREAS, The firefighters of Kansas have continuously supported the efforts to elevate the standards and training of firefighters and have been instrumental in increasing the public's awareness of methods of fire prevention and suppression; and

WHEREAS, Kansas firefighters have dedicated themselves to the protection of the life and property of their fellow Kansans, often at great risk to their own safety and well-being; and

WHEREAS, The contributions and sacrifices of valiant Kansas firefighters often go unreported and are inadequately recognized by the public; and

WHEREAS, Kansas firefighters strive to provide all Kansas communities with excellent, proactive, fire and life safety services through prevention, education and protection; and

WHEREAS, The work of Kansas firefighters deserves the attention and gratitude of all individuals in Kansas, as they risk their lives running into burning buildings to save our Kansas families every single day of the year: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize and commend the firefighters of Kansas for their selfless service and observe the month of October as Firefighter Appreciation Month; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Faust-Goudeau; Ronald D. Blackwell, Wichita Fire Chief; Tammy Snow, Wichita Deputy Fire Chief; Steve Schowalter, Wichita Fire Captain; Tim Carr, Wichita Fire Captain; Rocky Bungarner, Wichita Fire Captain; Jose Ocadiz, Wichita Fire Lieutenant; Fire Captain Chad Dunham, 2015 Firefighter of the Year; Matt Schulte, Wichita Fire Lieutenant and President of Local 135; Blake Redd, Topeka Fire Captain; Bill Miller, Topeka Fire Lieutenant; Jim Seichepine, Topeka Fire Lieutenant; Brian Flott, Topeka Firefighter; Jacob Torre, Topeka Fire Apparatus Operator and Eric Voss, Concordia Fire Chief.

On emergency motion of Senator Faust-Goudeau **SR 1719** was adopted by voice vote.

Senators honored the firefighters with a standing ovation.

Senators Tyson and Melcher introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1720—

A RESOLUTION commemorating the 150<sup>th</sup> Anniversary of Ottawa University in Ottawa, Kansas.

WHEREAS, Ottawa University traces its roots to a strong partnership between Baptist missionaries and the Ottawa Indian tribe that began prior to Kansas' statehood;

and

WHEREAS, In 1837, the Reverend Jotham Meeker, his wife, Eleanor Richardson Meeker, and their children moved to the banks of the Marais des Cygnes River to devote themselves to serving as ministers, physicians, teachers and counselors to the Ottawa Indian tribes who had recently been moved to the area; and

WHEREAS, Reverend Meeker inspired others, including John Tecumseh "Tauy" Jones, to take up this work of building a vibrant partnership with the tribal leaders; and

WHEREAS, This partnership between the Kansas Baptist denomination and the Ottawa Indian Tribe, under Tauy Jones' leadership, led to the foundation in 1865 of a school dedicated to the benefit of the children of the Ottawa people, placed on 20,000 acres of land endowed by the Tribe to support the establishment of the institution; and

WHEREAS, The original charter was to form a boarding school for tribal children. Both parties quickly recognized the importance of offering a college-level education and the understanding by members of the Tribe, the Baptists, and the people of Ottawa that a college would serve as an economic growth engine for the emerging community around the Marais des Cygnes; and

WHEREAS, Ottawa University's Christian heritage and respectful partnership with the Ottawa Indians remains alive and powerful today, evidenced by the 2008 agreement between Kevin Eichner, President of the University, and Chief John Ballard of the Ottawa Tribe of Oklahoma to grant, in perpetuity, free tuition, room and board to all certified tribal members who wish to attend either the residential college in Ottawa, Kansas or any of Ottawa University's adult on-campus or online programs. This agreement has been widely embraced and celebrated by faculty, alumni, board members and friends of the University and by tribal members as emblematic of the institution's core mission and principles and its enduring commitment to serve the mutual purposes of its founders; and

WHEREAS, Throughout its history, Ottawa University has pursued an innovative approach to higher education's role in society. In the 1970s, Ottawa University was one of the first to embrace a growing demand for programs specifically tailored to the needs of adult students, opening an adult campus in Kansas City in 1974, in Phoenix, Arizona in 1977, in Brookfield, Wisconsin in 1992, in Jeffersonville, Indiana in 2002, and in Chandler, Arizona in 2009. The University also began offering exclusive degree programs online in 2008; and

WHEREAS, Ottawa University's mission is to provide the highest quality liberal arts and professional education in a caring, Christ-centered community of grace – which integrates faith, learning and life; and

WHEREAS, Ottawa University serves more than 4,800 students from 49 states and 16 countries; and

WHEREAS, Ottawa University employs more than 200 Kansans as faculty and staff who are equally committed to ensuring that each and every student receives personal attention and the highest quality education that honors the school's mission and history; and

WHEREAS, There are more than 23,000 distinguished graduates of Ottawa University serving their communities, professions and churches around the world; and

WHEREAS, Ottawa University has grown from a single building to a comprehensive, global institution of higher learning dedicated to preparing students for a lifetime of enlightened faith, exemplary service, inspired leadership and personal

growth and significance; and

WHEREAS, Ottawa University's commitment to education exemplifies the best of Kansas' past, present and future and serves as an inspiration to all Kansans: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commend and celebrate the 150<sup>th</sup> Anniversary of Ottawa University in Ottawa, Kansas. Ottawa University inspires students of Kansas to lead with competence and character and we urge all Kansans to celebrate its success; and

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

On emergency motion of Senator Tyson **SR 1720** was adopted by voice vote.

### 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 McGinn in the chair.

On motion of Senator McGinn the following report was adopted:

Recommended: **SB 29, SB 34, SB 46, SB 47, SB 106, SB 108, SB 117, SB 123** be passed.

**SB 28, SB 56, SB 62, SB 109, SB 214** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 7** be amended by the adoption of the committee amendments, be further amended by Senator Tyson, on page 1, following line 33, by inserting:

"New Sec. 2. For the purpose of preparation of the governor's budget report and related legislative measure or measures for submission to the legislature, the office of information technology services, established in K.S.A. 75-4701, and amendments thereto, shall be considered a separate state agency and shall be titled for such purpose as the "office of information technology services." The budget estimates and requests of such office shall be presented as from a state agency separate from the department of administration, and such separation shall be maintained in the budget documents and reports prepared by the director of the budget and the governor, or either of them, including all related legislative reports and measures submitted to the legislature.";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 1, by striking "the legislative post audit act" and inserting "information technology; relating to the office of information technology services" and **SB 7** be passed as further amended.

A motion by Senator Francisco to amend **SB 34** failed.

Senator Haley moved to amend **SB 34**: on page 1, line 29 by inserting "or" after "the"; on line 30 by striking "; or" and by striking all in line 31 before the period.

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 0; Absent or Not Voting 2.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Kelly, King, Longbine, McGinn, Pettey, Schmidt, Tyson, Wagle, Wolf.

Nays: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Wilborn.

Absent or Not Voting: Holland, Ostmeyer.  
The amendment failed.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 189** be passed.

Committee on **Commerce** recommends **SB 154** be amended on page 2, in line 43, by striking all after the period;

On page 3 by striking all in lines 1 and 2;

On page 15, in line 28, by striking "1000.00000" and inserting "-1000.00000"; in line 29, by striking "0.29999" and inserting "0.44999"; in line 30, by striking "0.30000" and inserting "0.45000"; also in line 30, by striking "0.44999" and inserting "0.59999"; in line 31, by striking "0.45000" and inserting "0.60000"; also in line 31, by striking "0.59999" and inserting "0.74999"; in line 32, by striking "0.60000" and inserting "0.75000"; also in line 32, by striking "0.99999" and inserting "1.14999"; in line 33, by striking "1.00000" and inserting "1.15000"; by also in line 33, by striking "1.14999" and inserting "1000.00000"; also in line 33, by striking "-0.20%" and inserting "-0.50%"; by striking all in lines 34 and 35;

On page 21, following line 30, by inserting:

"Sec. 3. K.S.A. 2014 Supp. 44-757 is hereby amended to read as follows: 44-757. *Shared work unemployment compensation program.* (a) As used in this section:

(1) "Affected unit" means a specified department, shift or other unit of two or more employees that is designated by an employer to participate in a shared work plan.

(2) "Fringe benefit" means health insurance, a retirement benefit received under a pension plan, a paid vacation day, a paid holiday, sick leave, and any other analogous employee benefit that is provided by an employer.

(3) "Fund" has the meaning ascribed thereto by ~~subsection (k)~~ of K.S.A. 44-703(k), and amendments thereto.

(4) "Normal weekly hours of work" means the lesser of 40 hours or the average obtained by dividing the total number of hours worked per week during the preceding twelve-week period by the number 12.

(5) "Participating employee" means an employee who works a reduced number of hours under a shared work plan.

(6) "Participating employer" means an employer who has a shared work plan in effect.

(7) "Secretary" means the secretary of labor or the secretary's designee.

(8) "Shared work benefit" means an unemployment compensation benefit that is payable to an individual in an affected unit because the individual works reduced hours under an approved shared work plan.

(9) "Shared work plan" means a program for reducing unemployment under which employees who are members of an affected unit share the work remaining after a reduction in their normal weekly hours of work.

(10) "Shared work unemployment compensation program" means a program designed to reduce unemployment and stabilize the work force by allowing certain employees to collect unemployment compensation benefits if the employees share the work remaining after a reduction in the total number of hours of work and a corresponding reduction in wages.

(b) The secretary shall establish a voluntary shared work unemployment

compensation program as provided by this section. The secretary may adopt rules and regulations and establish procedures necessary to administer the shared work unemployment compensation program.

(c) An employer who wishes to participate in the shared work unemployment compensation program must submit a written shared work plan to the secretary for the secretary's approval. As a condition for approval, a participating employer must agree to furnish the secretary with reports relating to the operation of the shared work plan as requested by the secretary. The employer shall monitor and evaluate the operation of the established shared work plan as requested by the secretary and shall report the findings to the secretary.

(d) The secretary may approve a shared work plan if:

(1) The shared work plan applies to and identifies a specific affected unit;  
 (2) the employees in the affected unit are identified by name and social security number;

(3) the shared work plan reduces the normal weekly hours of work for an employee, including regular part-time employees, in the affected unit by not less than 20% and not more than 40%;

(4) the shared work plan applies to at least 10% of the employees in the affected unit;

(5) the shared work plan describes the manner in which the participating employer treats the fringe benefits of each employee in the affected unit and the employer certifies that if the employer provides health benefits and retirement benefits under a defined benefit plan, as defined in 26 U.S.C. § 414(j), or contributions under a defined contribution plan, as defined in 26 U.S.C. § 414(i), to any employee whose workweek is reduced under the program that such benefits will continue to be provided to employees participating in the shared work compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the same extent as other employees not participating in the shared work program;

(6) the employer certifies that the implementation of a shared work plan and the resulting reduction in work hours is in lieu of layoffs that would affect at least 10% of the employees in the affected unit and that would result in an equivalent reduction in work hours;

(7) the employer has filed all reports required to be filed under the employment security law for all past and current periods and has paid all contributions, benefit cost payments, or if a reimbursing employer has made all payments in lieu of contributions due for all past and current periods;

(8) (A) a contributing employer must be eligible for a rate computation under ~~subsection (a)(2) of~~ K.S.A. 44-710a(a)(2), and amendments thereto, and is not a negative account employer as defined by ~~subsection (d) of~~ K.S.A. 44-710a(d), and amendments thereto; (B) a rated governmental employer must be eligible for a rate computation under ~~subsection (g) of~~ K.S.A. 44-710d(g), and amendments thereto;

(9) eligible employees may participate, as appropriate, in training, including without limitation, employer-sponsored training or worker training funded under the workforce investment act of 1998, to enhance job skills if such program has been approved by the state of Kansas;

(10) the employer includes a plan for giving advance notice, where feasible, to an employee whose workweek is to be reduced together with an estimate of the number of

layoffs that would have occurred absent the ability to participate in shared work compensation and such other information as the secretary of labor determines is appropriate; and

(11) the terms of the employer's written plan and implementation are consistent with employer obligations under applicable federal and Kansas laws.

(e) If any of the employees who participate in a shared work plan under this section are covered by a collective bargaining agreement, the shared work plan must be approved in writing by the collective bargaining agent.

(f) A shared work plan may not be implemented to subsidize seasonal employers during the off-season.

(g) The secretary shall approve or deny a shared work plan no later than the 30<sup>th</sup> day after the day the shared work plan is received by the secretary. The secretary shall approve or deny a shared work plan in writing. If the secretary denies a shared work plan, the secretary shall notify the employer of the reasons for the denial.

(h) A shared work plan is effective on the date it is approved by the secretary, except for good cause a shared work plan may be effective at any time within a period of 14 days prior to the date such plan is approved by the secretary. The shared work plan expires on the last day of the 12<sup>th</sup> full calendar month after the effective date of the shared work plan.

(i) An employer may modify a shared work plan created under this section to meet changed conditions if the modification conforms to the basic provisions of the shared work plan as approved by the secretary. The employer must report the changes made to the shared work plan in writing to the secretary before implementing the changes. If the original shared work plan is substantially modified, the secretary shall reevaluate the shared work plan and may approve the modified shared work plan if it meets the requirements for approval under subsection (d). The approval of a modified shared work plan does not affect the expiration date originally set for that shared work plan. If substantial modifications cause the shared work plan to fail to meet the requirements for approval, the secretary shall deny approval to the modifications as provided by subsection (g).

(j) Notwithstanding any other provisions of the employment security law, an individual is unemployed and is eligible for shared work benefits in any week in which the individual, as an employee in an affected unit, works for less than the individual's normal weekly hours of work in accordance with an approved shared work plan in effect for that week. The secretary may not deny shared work benefits for any week to an otherwise eligible individual by reason of the application of any provision of the employment security law that relates to availability for work, active search for work or refusal to apply for or accept work with an employer other than the participating employer.

(k) An individual is eligible to receive shared work benefits with respect to any week in which the secretary finds that:

(1) The individual is employed as a member of an affected unit subject to a shared work plan that was approved before the week in question and is in effect for that week;

(2) the individual is able to work and is available for additional hours of work or full-time work with the participating employer;

(3) the individual's normal weekly hours of work have been reduced by at least 20% but not more than 40%, with a corresponding reduction in wages; and

(4) the individual's normal weekly hours of work and wages have been reduced as described in subsection (k)(3) for a waiting period of one week which occurs within the period the shared work plan is in effect, which period includes the week for which the individual is claiming shared work benefits.

(l) The secretary shall pay an individual who is eligible for shared work benefits under this section a weekly shared work benefit amount equal to the individual's regular weekly benefit amount for a period of total unemployment multiplied by the nearest full percentage of reduction of the individual's hours as set forth in the employer's shared work plan. If the shared benefit amount is not a multiple of \$1, the secretary shall reduce the amount to the next lowest multiple of \$1. All shared work benefits under this section shall be payable from the fund.

(m) An individual may not receive shared work benefits and regular unemployment compensation benefits in an amount that exceeds the maximum total amount of benefits payable to that individual in a benefit year as provided by ~~subsection (f) of~~ K.S.A. 44-704(j), and amendments thereto.

(n) An individual who has received all of the shared work benefits and regular unemployment compensation benefits available in a benefit year is an exhaustee under K.S.A. 44-704a and 44-704b, and amendments thereto, and is entitled to receive extended benefits under such statutes if the individual is otherwise eligible under such statutes.

(o) The secretary may terminate a shared work plan for good cause if the secretary determines that the shared work plan is not being executed according to the terms and intent of the shared work unemployment compensation program.

(p) Notwithstanding any other provisions of this section, an individual shall not be eligible to receive shared work benefits for more than 26 calendar weeks during the 12-month period of the shared work plan, except that two weeks of additional benefits shall be payable to claimants who exhaust regular benefits and any benefits under any other federal or state extended benefits program during the period July 1, 2003 through June 30, 2004. No week shall be counted as a week for which an individual is eligible for shared work benefits for the purposes of this section unless the week occurs within the 12-month period of the shared work plan.

(q) No shared work benefit payment shall be made under any shared work plan or this section for any week which commences before April 1, 1989.

(r) This section shall be construed as part of the employment security law.;"  
Also on page 21, in line 31, by striking "and" and inserting a comma; also in line 31, after "44-710a" by inserting "and 44-757";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking the first "and" and inserting a comma; also in line 3, after "44-710a" by inserting "and 44-757"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 240** be amended on page 2, in line 18, after "Every" by inserting "day";

On page 3, in line 16, by striking "July 1" and inserting "July 1";

On page 20, in line 37, by striking "shall" and inserting "did";

On page 21, in line 32, by striking "9-901" and inserting "9-901a";

On page 24, in line 12, by striking "named" and inserting "name";

On page 26, in line 28, by striking the first "wtih" and inserting "with"; also in line

28, by striking the second "wiht" and inserting "with";

On page 48, in line 38, by striking "an eligible" and inserting "a";

On page 83, in line 1, by striking "agreed upon" and inserting "agreed-upon";

On page 85, in line 2, before "the" by inserting a comma;

On page 109, in line 18, after "appointment" by inserting a comma;

On page 111, in line 6, after "A" by inserting ", nonperson"; in line 39, after "A" by inserting ", nonperson";

On page 112, in line 18, after "A" by inserting ", nonperson"; in line 30, after "a" by inserting "class A, nonperson";

On page 113, in line 10, after "A" by inserting ", nonperson";

On page 114, in line 5, after "A" by inserting ", nonperson"; in line 24, after "B" by inserting ", nonperson"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 157** be passed.

Also, **SB 149** be amended on page 33, following line 43, by inserting:

"New Sec. 19. (a) (1) Whenever a person civilly committed pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, is in the custody of a county law enforcement agency, the costs incurred for the care and custody of such person by the county with custody of such person, including, but not limited to, costs of medical care and treatment, housing, food and transportation, shall be paid by such county.

(2) The secretary for aging and disability services shall reimburse such county from the Larned state hospital – sexual predator treatment program account of the state general fund for all costs that would have been paid from such account if such person had remained in the custody of the secretary for aging and disability services.

(3) If there are no moneys available in such account to pay any such reimbursements, the county may file a claim against the state pursuant to article 9 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto.

(4) The secretary for aging and disability services shall develop and implement a procedure to provide such reimbursements on or before July 1, 2015.

(b) All expenditures pursuant to this section from the Larned state hospital – sexual predator treatment program account of the state general fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for aging and disability services or the secretary's designee.";

And by renumbering sections accordingly;

And the bill be passed as amended.

**SB 159** be amended on page 1, in line 27, by striking "reasonably believes that there is" and inserting "has probable cause to believe that"; in line 28, after "thereto," by inserting "is"; in line 29, by striking "that" and inserting "and reasonably believes such violation"; and the bill be passed as amended.

**SB 183** be amended on page 1, in line 7, by striking "attorney general" and inserting "office of judicial administration"; in line 25, by striking "the"; in line 26, by striking "attorney general pursuant to rules and regulations" and inserting "rules of the supreme court";

On page 2, in line 8, by striking "attorney general" and inserting "office of judicial administration"; in line 17, by striking "attorney general" and inserting "supreme court"; also in line 17, by striking "and regulations"; in line 24, by striking "attorney general" and inserting "office of judicial administration";

On page 4, in line 20, by striking the second "or" and inserting "on";

On page 5, in line 28, after "(c)" by inserting "(1) Except as provided in subsection (c)(2).";

Also on page 5, following line 29, by inserting:

"(2) Any debts due and owing to an individual, the state of Kansas or an agency of another state that are being enforced by the Kansas department for children and families under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, shall not have the cost of collection added to the debt owed and subject to setoff. Such cost of collection shall be paid by the Kansas department for children and families.";

On page 6, in line 19, after "transaction." by inserting "Except as provided further,"; in line 21, after "thereto." by inserting "Any debts due and owing to an individual, the state of Kansas or an agency of another state that are being enforced by the Kansas department for children and families under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, shall not have the collection assistance fee added to the debt owed and subject to setoff, and such fee shall be paid by the Kansas department for children and families."; and the bill be passed as amended.

**SB 197** be amended on page 5, in line 37, after "appointee." by inserting "Such appointee shall be a member of the bar who is a resident of and licensed in Kansas.";

On page 6, in line 6, after "state" by inserting "or the secretary of state's designee"; in line 7, after "general" by inserting "or the attorney general's designee";

On page 8, in line 23, after "state" by inserting "or the secretary of state's designee"; in line 24, after "general" by inserting "or the attorney general's designee"; and the bill be passed as amended.

**SB 206** be amended on page 4, in line 9, by striking "If the public agency is a governing body, all of the members of the"; by striking all in line 10;

On page 9, in line 29, after "mandamus" by inserting a comma; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 244** be amended on page 2, in line 4, after "vote" by inserting "and, by yeas and nays, how each member of the governing body voted,"; in line 11, by striking the first "the" and inserting "each"; also in line 11, by striking "of greatest valuation of" and inserting "having territory in"; in line 39, by striking the second "the" and inserting "each"; in line 40, by striking "of greatest valuation of" and inserting "having territory in"; and the bill be passed as amended.

Also, **SB 247** be amended on page 3, in line 1, by striking "municipal" and inserting "certified"; in line 3, after the period by inserting "Each municipality subject to this subsection shall have its accounts examined using enhanced agreed-upon procedures at least once every three years."; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 142** be passed.

Also, **SB 180** be amended on page 2, following line 2, by inserting:

"(f) The provisions of this section shall expire on December 31, 2016."; in line 12, by striking "5½%" and inserting "1%"; in line 15, by striking all after "enrollees,"; in line 16, by striking all before the period and inserting "except during the period beginning January 1, 2015, and ending December 31, 2016, a privilege fee shall be 5½%";

On page 3, in line 2, before "medical" by inserting "state general fund, except during

the period beginning January 1, 2015, and ending on December 31, 2016, such deposit shall be to the credit of the"; and the bill be passed as amended.

**SB 181** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2014 Supp. 39-7,119 is hereby amended to read as follows: 39-7,119. (a) There is hereby created the medicaid drug utilization review board which shall be responsible for the implementation of retrospective and prospective drug utilization programs under the Kansas medicaid program.

(b) Except as provided in subsection (i), the board shall consist of at least seven members appointed as follows:

(1) Two licensed physicians actively engaged in the practice of medicine, nominated by the Kansas medical society and appointed by the secretary of health and environment from a list of four nominees;

(2) one licensed physician actively engaged in the practice of osteopathic medicine, nominated by the Kansas association of osteopathic medicine and appointed by the secretary of health and environment from a list of four nominees;

(3) two licensed pharmacists actively engaged in the practice of pharmacy, nominated by the Kansas pharmacy association and appointed by the secretary of health and environment from a list of four nominees;

(4) one person licensed as a pharmacist and actively engaged in academic pharmacy, appointed by the secretary of health and environment from a list of four nominees provided by the university of Kansas;

(5) one licensed professional nurse actively engaged in long-term care nursing, nominated by the Kansas state nurses association and appointed by the secretary of health and environment from a list of four nominees.

(c) The secretary of health and environment may add two additional members so long as no class of professional representatives exceeds 51% of the membership.

(d) The physician and pharmacist members shall have expertise in the clinically appropriate prescribing and dispensing of outpatient drugs.

(e) The appointments to the board shall be for terms of three years. In making the appointments, the secretary of health and environment shall provide for geographic balance in the representation on the board to the extent possible. Subject to the provisions of subsection (i), members may be reappointed.

(f) The board shall elect a chairperson from among board members who shall serve a one-year term. The chairperson may serve consecutive terms.

(g) The board, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting when it is considering matters relating to identifiable patients or providers.

(h) All actions of the medicaid drug utilization review board shall be upon the affirmative vote of five members of the board and the vote of each member present when action was taken shall be recorded by roll call vote.

(i) Upon the expiration of the term of office of any member of the medicaid drug utilization review board on or after the effective date of this act and in any case of a vacancy existing in the membership position of any member of the medicaid drug utilization review board on or after the effective date of this act, a successor shall be appointed by the secretary of health and environment so that as the terms of members expire, or vacancies occur, members are appointed and the composition of the board is changed in accordance with the following and such appointment shall be made by the

secretary of health and environment in the following order of priority:

(1) One member shall be a licensed pharmacist who is actively performing or who has experience performing medicaid pharmacy services for a hospital and who is nominated by the Kansas hospital association and appointed by the secretary of health and environment from a list of two or more nominees;

(2) one member shall be a licensed pharmacist who is actively performing or who has experience performing medicaid pharmacy services for a licensed adult care home and who is nominated by the state board of pharmacy and appointed by the secretary of health and environment from a list of two or more nominees;

(3) one member shall be a licensed physician who is actively engaged in the general practice of allopathic medicine and who has practice experience with the state medicaid plan and who is nominated by the Kansas medical society and appointed by the secretary of health and environment from a list of two or more nominees;

(4) one member shall be a licensed physician who is actively engaged in mental health practice providing care and treatment to persons with mental illness, who has practice experience with the state medicaid plan and who is nominated by the Kansas psychiatric society and appointed by the secretary of health and environment from a list of two or more nominees;

(5) one member shall be a licensed physician who is the medical director of a nursing facility, who has practice experience with the state medicaid plan and who is nominated by the Kansas medical society and appointed by the secretary of health and environment from a list of two or more nominees;

(6) one member shall be a licensed physician who is actively engaged in the general practice of osteopathic medicine, who has practice experience with the state medicaid plan and who is nominated by the Kansas association of osteopathic medicine and who is appointed by the secretary of health and environment from a list of two or more nominees;

(7) one member shall be a licensed pharmacist who is actively engaged in retail pharmacy, who has practice experience with the state medicaid plan and who is nominated by the state board of pharmacy and appointed by the secretary of health and environment from a list of two or more nominees;

(8) one member shall be a licensed pharmacist who is actively engaged in or who has experience in research pharmacy and who is nominated jointly by the Kansas task force for the pharmaceutical research and manufacturers association and the university of Kansas and appointed by the secretary of health and environment from a list of two or more jointly nominated persons; and

(9) one member shall be a licensed advanced practice registered nurse or physician assistant actively engaged in the practice of providing the health care and treatment services such person is licensed to perform, who has practice experience with the state medicaid plan and who is nominated jointly by the Kansas state nurses' association and the Kansas academy of physician assistants and appointed by the secretary of health and environment from a list of two or more jointly nominated persons.

(j) The medicaid drug utilization review board shall meet at least quarterly and such meetings shall be open to the public and shall provide an opportunity for public comments. The board shall post notice of such meetings at least 14 business days before the scheduled meetings.”;

Also on page 1, by striking all in lines 14 through 16; in line 17, by striking all before

the period and inserting "may make prior authorization of any new prescription-only drugs until such drugs are reviewed by the medicaid drug utilization board at the next scheduled meeting. New drugs shall be approved for use when such drugs are used within package insert guidelines approved by the federal drug administration and clinically reputable compendia, such as the United States pharmacopeia, as approved by the secretary of health and environment in the rules and regulations, during the period before such drugs are reviewed by the medicaid drug utilization review board";

And by renumbering sections accordingly;

Also on page 1, in line 29, after "Supp." by inserting "39-7,119 and"; also in line 29, by striking "is" and inserting "are";

On page 1, in the title, in line 2, after "Supp." by inserting "39-7,119 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

**Select Committee on KPERS** recommends **SB 228** be passed.

Committee on **Transportation** recommends **SB 126** be passed.

Also, **SB 82** be amended on page 1, in line 6, by striking "New"; by striking all in lines 21 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 11; following line 11 by inserting:  
"Sec. 2.

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, 2016, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Seat belt safety fund.....\$480,000

(b) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$480,000 from the state general fund to the seat belt safety fund of the department of transportation.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all following "ACT"; in line 2, by striking all following the semicolon; in line 3, by striking all before the period and inserting "making and concerning appropriations for the fiscal year ending June 30, 2016; authorizing certain transfers"; and the bill be passed as amended.

Also, **SB 215** be amended on page 1, in line 24, by striking "a passenger vehicle" and inserting "any vehicle except those included under K.S.A. 8-1,101 and K.S.A. 2014 Supp. 8-143m and 8-1,152, and amendments thereto,"; in line 26, by striking the first "registration" and inserting "printed payment"; also in line 26, after "receipt" by inserting "or electronic payment receipt from an online electronic payment processing system"; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 91** be amended on page 1, in line 8, by striking "2023" and inserting "2020"; in line 9, by striking ", \$100,000 from"; by striking all in line 10; in line 11, by striking "thereto, and \$100,000" and inserting "and \$200,000"; in line 13, by striking ", except that:"; by striking all in lines 14 through 23; in line 24, by striking "reports"; and the bill be passed as amended.

Also, **SB 151** be amended on page 1, in line 28, by striking "For all coal-fired and natural gas electric generating"; by striking all in lines 29 and 30; in line 31, by striking all before "the" and inserting "In accordance with the requirements of the environmental

protection agency's rulemaking pursuant to docket EPA-HQ-OAR-2013-0602, the secretary may develop and submit to the environmental protection agency a state plan for compliance with the regulation of carbon dioxide from affected or existing electric generating units pursuant to 42 U.S.C. § 7411.";

On page 2, in line 25, by striking "such standards through flexible"; by striking all in line 26; in line 27, by striking all before "that" and inserting "a state plan through regulatory mechanisms that may include administrative regulations, permits, agreements or other flexible regulatory measures"; in line 29, by striking "implement a" and inserting "permit participation in an organized"; also in line 29, by striking "mechanism" and inserting "market"; in line 30, by striking all after "authority"; by striking all in lines 31 through 41; in line 42 by striking all before the period and inserting ". In order to achieve a mass-based or rate-based goal, nothing in this act shall be construed to prohibit a Kansas utility: (1) With multiple affected units in one or more states from sharing, aggregating or purchasing emissions among such utility's units; or (2) from sharing, aggregating or purchasing emissions between other Kansas utilities with affected units"; in line 43, after the second "any" by inserting "affected or"; also in line 43, after "existing" by inserting "jurisdictional";

On page 3, in line 2, by striking all after "shall"; by striking all in lines 3 and 4; in line 5, by striking "necessary to" and inserting "conduct a joint investigation with the state corporation commission pursuant to K.S.A. 65-3005 and 66-106, and amendments thereto, and hold a joint hearing pursuant to procedures under K.S.A. 77-501 et seq., and amendments thereto, as applied to the state corporation commission. In establishing any standard of performance or flexible regulatory mechanism pursuant to this section, the secretary and the state corporation commission shall: (1) Exercise the secretary's and commission's respective existing statutory authority over the affected utilities;

(2) "; also in line 5, by striking "jurisdictional"; in line 7, by striking "(2) conduct any investigations necessary to" and inserting "(3) "; in line 9, by striking "(3)" and inserting "(4)"; also in line 9, by striking "the recommended options maintain" and inserting "any option selected maintains"; by striking all in lines 11 through 22; following line 22, by inserting "(5) issue a joint final order establishing the compliance goal and defining the regulatory mechanisms for the state plan, which provides a detailed explanation of the joint findings; and

(6) issue a joint interim order within 180 days of initiation of the joint investigation, if necessary to submit a state plan within any deadline imposed by the environmental protection agency. If a joint interim order is issued, it shall establish the compliance goal and define the regulatory mechanisms for the state plan. The secretary shall request an extension upon submission of the state plan.

(e) After issuance of a joint interim order, the secretary shall promulgate and submit a state plan establishing the compliance goal and regulatory mechanisms approved in the joint order. If the findings of a joint final order differ from those of the joint interim order, the secretary shall promulgate and submit modifications to the state plan to the environmental protection agency by the department to incorporate the findings approved in that joint final order.

(f) The secretary shall submit the state plan to the clean power plan implementation study committee for review and approval pursuant to section 2, and amendments thereto, concurrent with the start of the public notice period for the state plan."; also on page 3, in line 23, by striking "(f)" and inserting "(g)"; following line 24, by inserting:

"New Sec. 2. (a) (1) There is hereby established the clean power plan implementation study committee. The committee shall hold informational hearings and receive updates from the department of health and environment, the state corporation commission and the attorney general about the implications of the adoption of a state implementation plan pursuant to docket EPA-HQ-OAR-2013-0602 concerning the impact to: (A) Electric ratepayers; (B) electric utilities; (C) the reliability of the electric grid in Kansas; and (D) the overall sovereignty of the state.

(2) Upon development of a state implementation plan pursuant to K.S.A. 65-3031, and amendments thereto, the secretary of health and environment shall submit the plan to the study committee for review. After reviewing the impact of the plan pursuant to this section, the committee may approve or disapprove the submission of the plan. If the study committee approves the plan, the secretary may submit the plan to the environmental protection agency. If the committee disapproves the plan, the chairperson of the committee shall submit a petition for the calling of a special session pursuant to K.S.A. 46-1401, and amendments thereto, for the legislature to review the submission of the plan. If the legislature fails to convene a special session or fails to adopt a concurrent resolution disapproving of the submission of the plan within 60 days of the chairperson submitting a petition for the calling of a special session, the secretary may submit the plan to the environmental protection agency.

(b) (1) The study committee shall be composed of 11 voting members. Five members shall be from the senate committee on utilities as follows: (A) The chairperson, vice-chairperson and ranking minority member; and (B) two members appointed by the president of the senate.

(2) Six members shall be from the house committee on energy and environment as follows: (A) The chairperson, vice-chairperson and ranking minority member; and (B) three members appointed by the speaker of the house of representatives.

(3) A quorum of the clean power plan implementation study committee shall be six members. All actions of the committee shall be taken by a majority of all of the members of the committee. Any vacancy in the membership of the committee shall be filled by appointment in the same manner prescribed by this section for the original appointment.

(c) Members shall be appointed to the study committee on or before July 1, 2015, for a term ending on June 30, 2017. On and after the first day of the regular legislative session in odd-numbered years, the chairperson of the special committee shall be the chairperson of the senate committee on utilities and the vice-chairperson of the special committee shall be the chairperson of the house of representatives committee on energy and environment and, after the first day of the regular legislative session in even-numbered years, the chairperson of the special committee shall be the chairperson of the house of representatives committee on energy and environment and the vice-chairperson of the special committee shall be the chairperson of the senate committee on utilities. The chairperson and vice-chairperson of the special committee shall serve in such capacities until the first day of the regular legislative session in the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. The first meeting of the study committee shall be called by the chairperson of the committee following the conclusion of the 2015 regular session of the Kansas legislature. The committee shall have the authority to meet at any time and at any place within the state on the call of the chairperson.

(d) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the clean power plan implementation study committee to the extent that the same do not conflict with the specific provisions of this act applicable to the study committee.

(e) Members of the clean power plan implementation study committee shall receive compensation, travel expenses and subsistence expenses as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of the committee.

(f) The staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the study committee.

(g) The provisions of this section shall expire on June 30, 2017."; and by renumbering sections accordingly;

In the title, on page 1, in line 4, before "amending" by inserting "creating the clean power plan implementation study committee;" and the bill be passed as amended.

**SB 170** be amended on page 2, following line 18, by inserting:

"(d) Notwithstanding approval by the legislature, or by any legislative committee pursuant to subsection (b), of the submission of a state implementation plan to the environmental protection agency, further action by the secretary to implement or enforce the final approved state implementation plan is dependent upon the final adoption of the federal emission guidelines implemented under docket EPA-HQ-OAR-2103-0602 or pursuant to 42 U.S.C. § 7411(d). If such federal emission guidelines are not adopted or are adopted and subsequently suspended, vacated, in whole or in part, or held to not be in accordance with the law, the secretary shall suspend or terminate, as appropriate, further action to implement or enforce the state implementation plan."; and the bill be passed as amended.

President Wagle announced the Senate would recess to the sound of the gavel to receive reports of standing committees under that order of business.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday February 25, 2015.

# Journal of the Senate

THIRTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 25, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

Dear Lord, every thought we have is a seed and not every seed will grow a beautiful flower, some may grow a disgusting weed. We have the power of guarding our thoughts so we live in a world of beauty and not in a world of thorns. As we reach the time of “turnaround” this session, let us reflect on the seeds we have planted and those still needing to be planted and what we see growing down the road. Truly, dear Lord, you are our Master Gardener. Amen

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

## POINT OF PERSONAL PRIVILEGE

Senator Tyson rose on a Point of Personal Privilege to introduce Paul Bean, Lisa Johnson, and Lucky Defries, representing Ottawa University. The 150th anniversary of the University was recognized in **SR 1720**, which was introduced and adopted on February 24, 2015.

The Senate honored the guests with a standing ovation.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 267**, AN ACT concerning certain crimes; relating to fantasy sports leagues; amending K.S.A. 2014 Supp. 21-6403 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 268**, AN ACT concerning water; relating to stream maintenance and obstructions; amending K.S.A. 32-1012 and K.S.A. 2014 Supp. 82a-301 and 82a-307 and repealing the existing sections, by Committee on Ways and Means.

**SB 269**, AN ACT concerning wildlife; relating to the nongame and endangered species conservation act; amending K.S.A. 32-960 and repealing the existing section, by Committee on Ways and Means.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 266**.

Public Health and Welfare: **SB 265**.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2096, HB 2103, HB 2109, HB 2154, HB 2216, HB 2254, HB 2256, HB 2258, HB 2259, HB 2260**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2096, HB 2103, HB 2109, HB 2154, HB 2216, HB 2254, HB 2256, HB 2258, HB 2259, HB 2260** was thereupon introduced and read by title.

#### **FINAL ACTION ON CONSENT CALENDAR**

**SB 184** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

**SB 184**, AN ACT concerning the code of civil procedure; relating to judgments; dormancy; amending K.S.A. 2014 Supp. 60-2403 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 7**, AN ACT concerning information technology; relating to the office of information technology services; 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 28**, AN ACT concerning lobbyists; regarding definitions; amending K.S.A. 46-222 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Holmes, Kerschen, King, Knox, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Smith, Wagle, Wilborn, Wolf.

Nays: Abrams, Hensley, Holland, Kelly, LaTurner, McGinn, Olson, Pyle, Schmidt,

Tyson.

The bill passed, as amended.

**SB 29**, AN ACT concerning sales taxation; relating to the community improvement district sales tax administration fund; amending K.S.A. 2014 Supp. 12-6a31 and repealing the existing section, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Fitzgerald, Olson, Pilcher-Cook, Pyle, Tyson.

The bill passed.

**SB 34**, AN ACT concerning elections; relating to voting; penalties for voting crimes; prosecution of election crimes; amending K.S.A. 25-2409, 25-2416, 25-2423 and 25-2431 and K.S.A. 2014 Supp. 25-1128 and 25-2507 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 23; Nays 17; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Ostmeyer, Pettey, Schmidt, Wagle, Wilborn, Wolf.

The bill passed.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on **SB 34**. This bill creates another taxpayer-funded lawyer to search for a problem that doesn't exist. If there was a need for the Secretary of State to have prosecution powers, other states would adopt such laws. To date, no state in our nation has done so. Additionally, we have 105 county prosecutors and the U.S. Attorney for the District of Kansas ready and willing to prosecute voter fraud cases. I cannot support giving prosecution powers to Kris Kobach, who has proven himself time and time again to be a self-serving partisan politician. For these reasons, I vote "No" on

**SB 34**.—ANTHONY HENSLEY

Senators Francisco and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 34**.

**SB 46**, AN ACT concerning domesticated deer; relating to identification of deer; amending K.S.A. 2014 Supp. 47-2101 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt,

Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 47**, AN ACT concerning insurance; relating to life insurance companies; reserve valuation method; principle-based valuation; standard nonforfeiture law; amending K.S.A. 2014 Supp. 40-409 and 40-428 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 56**, AN ACT concerning crimes and punishment; relating to promotion to minors of material harmful to minors; removing an affirmative defense; amending K.S.A. 2014 Supp. 21-6402 and repealing the existing section, 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, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, O'Donnell, Pettey, Schmidt, Wolf.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I recognize that the change we are making simply removes the affirmative defense for materials or devices purchased, leased, or acquired by a public, private or parochial school. Many of us are encouraging the same age students to go to the public library where, for librarians who may have purchased the exact same materials, the affirmative defense would still be in place. I vote "No" on **SB 56**, and hope that we will continue to show the same respect for our teachers that we are granting our librarians.—MARCI FRANCISCO

Senators Haley and Holland request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SB 56**.

Mr. Vice President: I vote "No" on **SB 56**. Because of the profound chilling effect it has on educators, and from a first amendment perspective, this bill ties their hands; good hands; regulated hands. It prevents them from offering real world perspectives in a structured environment. Most of us recognize that we now live in the 21st century in an era where unstructured exposure to offensive materials is on most streets (sometimes even by so-called church's hateful placards); on television and on the internet, to name but a few such exposures. Students can get information ANY where. Why limit the arena where learning is structured and moderated? It is the responsibility of educators and administrators to ensure that the information they display is accurate and not of a prurient nature, not ours. It should be realized and bears repeating yet again, that Kansas

does not exist in a time-warped vacuum and that the world that exists beyond our classrooms and beyond our State's borders is huge and our children, mostly anyway, will go out into it someday. Attempting to overly shelter youth from what is reality does them ultimately no justice. Instead, it might actually handicap them. Accordingly, again, I vote "No" on **SB 56** and hope a more realistic House will fix it.—DAVID HALEY

Mr Vice President: I vote "No" on **SB 56**. As a lifelong educator dedicated to giving students the best education possible, I cannot be part of the chilling effect this bill will have on the quality and accuracy of the education students receive. Teachers should not have to fear criminal persecution when they are working to engage their students in critical thinking around subjects such as art, literature, biology, and human sexuality. At this time in history when young people have access to massive amounts of sexually explicit information courtesy of the internet and various social media, it is a gross disservice to both teachers and students to limit, threaten, or censor those who provide our students with honest, accurate information on difficult subjects.—TOM HAWK

Senators Francisco and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **SB 56**.

Mr. Vice President: I vote "No" on **SB 56**. Current law already protects minors in their homes, schools and from sex predators. No evidence suggests minors are currently being harmed by public school teachers knowingly showing harmful materials by this bill. School teachers should not be criminalized for doing their jobs. This bill is an attack on teachers and their ability to determine what content is suitable for their students. This bill would have a chilling effect on teachers and librarians, and will lead to self-censorship across educational disciplines in order to avoid potential prosecution. If parents object to materials taught in a public school, multiple alternatives exist to address their concerns. Threatening teachers with a class B nonperson misdemeanor for doing their jobs is dangerous and unacceptable. As Dr. John Richard Schrock wrote, "The new social media and our unregulated internet allow youngsters to have access to pornography and sexually explicit misinformation at very young age. At a time when accurate information is ever more important, this bill will censor that responsible teaching of Kansas students younger than 18 years of age." For these reasons, I vote "No."—ANTHONY HENSLEY

Senators Francisco, Holland and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 56**.

Mr. Vice President: Current law makes it a crime to display or distribute to a minor material containing nudity, sexual conduct, sexual excitement or sadomasochistic abuse which a reasonable, adult person, applying contemporary community standards, believes to appeal to a prurient interest in sex, to be patently offensive, and to lack serious literary, scientific, educational, artistic or political value. Presently schools, museums, and libraries are given an affirmative defense from prosecution if the nudity is for a bona fide scientific, medical, educational, or cultural purpose. But, faculty and administrators of colleges and universities, and teachers at primary and secondary schools are allowed to disseminate to minors, for any purpose, any such material as part of an approved course of instruction. They are presently exempted from the law. If it is illegal in society at large to exhibit to minors patently offensive material that appeals to

a prurient interest in sex and that has no literary, scientific, educational, artistic or political value, we should expect the same for our children in primary schools, middle schools, and high schools. I vote "Aye" on **SB 56**.—FORREST KNOX

Senators Arpke, Fitzgerald, Holmes, Lynn and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Knox on **SB 56**.

Mr. Vice President: This bill is a solution looking for a problem. Removing the affirmative defense from K-12 educators is a thinly veiled method of attacking any material which are perceived to be "harmful" to minors. Kansas schools already have in place reasonable safeguards to protect minors from exposure to inappropriate and/or harmful material. This bill infringes on the local control of school curriculum and teaching standards. Threatening teachers and school librarians with a class B nonperson misdemeanor is criminalizing education professionals for doing their job. I vote "No" on **SB 56**.—PAT PETTEY

Senators Francisco and Haley request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **SB 56**.

Mr. Vice President: Our state laws should safeguard the rights of parents to shield and protect their children from harmful material, especially in schools. When highly offensive sexually explicit material was knowingly posted in a middle school from a sexual education curriculum with phrases that are even blurred out on television, it is clear that pornography and obscene materials are becoming more and more prevalent in our society, and it is all too common to hear of cases where children are not protected from the harm it inflicts. This bill ensures that for materials to be considered harmful to minors, they would have to be patently offensive to prevailing standards in the adult community with respect to what is suitable for minors...," and they must lack "serious literary, scientific, educational, artistic or political value for minors." This law would also give teachers a measure of protection from presenting materials they have serious concerns about. I vote "Aye" on **SB 56**.—MARY PILCHER-COOK

Mr. Vice President: As a public K-12 school teacher in Kansas I have no concerns with **SB 56**, a bill that adds, by my count, 8 words to current law and strikes seven words. Baseless fear and paranoia are no reason to vote against a bill. This is not an attack on teachers. **SB 56** does not provide an affirmative defense for commercial establishments nor does current law. Many commercial establishments sell replicas of the Statute of David, other artwork, and classic literary works those in opposition of the bill claim will be banned, yet they (business owners) are not arrested for allowing minors to view these materials. Why? Because they have literary, scientific, education, artistic or political value. I vote "Aye" on **SB 56**.—GREG SMITH

Senators Abrams, Arpke, Holmes and Melcher request the record to show they concur with the "Explanation of Vote" offered by Senator Smith on **SB 56**.

**SB 62**, AN ACT concerning search and rescue and hazardous material response matters; dealing with tort claims immunity; amending K.S.A. 2014 Supp. 75-6102 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-

Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 106**, AN ACT concerning real estate brokers and salespersons; relating to licensure; technical amendments; amending K.S.A. 58-30,106 and K.S.A. 2014 Supp. 58-3046a, 58-3050, 58-3062 and 58-30,103 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 108**, AN ACT concerning real estate brokers and salespersons; relating to license fees; amending K.S.A. 2014 Supp. 58-3063 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Fitzgerald, Pilcher-Cook, Pyle, Tyson.

The bill passed.

**SB 109**, AN ACT concerning emergencies and disasters; creating the Kansas disaster utilities response act; department of revenue, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 117**, AN ACT concerning insurance; relating to self-insurance under the health care provider insurance availability act; health care systems; amending K.S.A. 2014 Supp. 40-3401 and 40-3414 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 123**, AN ACT repealing K.S.A. 2014 Supp. 39-7,121b; concerning medications used to treat mental illness under the state medicaid plan, was considered on final action.

On roll call, the vote was: Yeas 15; Nays 25; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Fitzgerald, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Pilcher-Cook, Powell, Wagle.

Nays: Bowers, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, Longbine, McGinn, Olson, Ostmeyer, Petersen, Pettey, Pyle, Schmidt, Smith, Tyson, Wilborn, Wolf.

A constitutional majority having failed to vote in favor of the bill, **SB 123** did not pass.

#### EXPLANATION OF VOTE

Mr. Vice President: I have no doubt that passage of **SB 123** would reduce expenditures for the managed care organizations providing Medicaid services through KanCare, although I do not believe the savings will be nearly as great as estimated in the fiscal note for the bill and that some of reduction would be related, not to the bill's passage, but to the expiration of patents. I am concerned that other private and state entities will see their expenses for emergency care, public safety, hospitalization and incarceration increase if patients cannot get or are unwilling to use a substitute; those costs may not be eligible for a federal match. I will work to promote policies that enhance patient safety and create efficiency without jeopardizing patient access to medication. I vote "No" on **SB 123**.—MARCI FRANCISCO

Senators Haley, Hawk and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SB 123**.

Mr. Vice President: **SB 123** repeals a law from 2002 that specifically prohibits preferred drug lists or prior authorization requirements for mental health drugs for Medicaid patients. The 2002 law has prevented any protective oversight for patients and is hindering efforts at improving health care outcomes – in some cases jeopardizing the health and safety of Medicaid patients. Psychotropic drugs are powerful drugs with significant side effects. While patients who are stable on their current medications will be able to continue their prescribed treatment, this bill will help us to address a CMS report that shows Kansas is 46th worst among all states in psychotropic drug use on senior citizens with dementia symptoms and the tripling of the number of children on anti-psychotics in the past fifteen years who are at higher risk for long-term side effects. It is vital that we protect the health and safety of our most vulnerable population in Kansas. I vote "Aye" on **SB 123**.—MARY PILCHER-COOK

**SB 214**, AN ACT concerning human trafficking and related crimes; relating to commercial sexual exploitation of a child; civil action for victims; restitution; amending K.S.A. 2014 Supp. 21-5501, 21-6328, 22-3424, 22-3436, 22-3701, 22-3727, 22-3727a, 22-4614, 23-2225, 23-3222, 38-2202, 38-2271, 38-2309, 38-2310, 39-970, 44-706, 59-2132, 59-29a14, 60-455, 60-5001, 65-5117, 72-1397, 74-7305, 75-452 and 76-11a13

and repealing the existing sections; also repealing K.S.A. 2013 Supp. 38-2310, as amended by section 2 of chapter 131 of the 2014 Session Laws of Kansas, was considered on final action.

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

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

The bill passed, as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 220** be amended on page 3, following line 26, by inserting:

"(g) Aggravated battery against a mental health employee is an aggravated battery, as defined in subsection (b), committed against a mental health employee by a person in the custody of the secretary for aging and disability services, while such employee is engaged in the performance of such employee's duty.";

Also on page 3, in line 27, by striking "(g)" and inserting "(h)";

On page 4, in line 4, by striking the colon; by striking all in lines 5 through 8; in line 9, by striking all before the period and inserting:

"severity level 5, person felony.

(7) Aggravated battery against a mental health employee is a severity level 3, person felony";

Also on page 4, in line 10, by striking "(h)" and inserting "(i)"; in line 33, after "means" by inserting ": (A)"; in line 35, by striking "and Rainbow mental health facility"; in line 38, after "thereto" by inserting "; and (B) contractors and employees of contractors under contract to provide services to the Kansas department for aging and disability services working at any such institution or facility"; and the bill be passed as amended.

Also, **SB 252** 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 **Education** recommends **SB 136** be amended on page 2, in line 40, by striking "(A)"; in line 42, by striking all after the semicolon; by striking all in line 43;

On page 3, by striking all in lines 1 through 19; in line 20, by striking all before "and"; also in line 20, by striking "(C)";

On page 4, in line 26, by striking ". In"; by striking all in lines 27 through 32; in line 33, by striking "upon the mutual agreement of" and inserting "and such other terms and conditions of professional service as mutually agreed to by"; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 10** be amended on page 1, in line 19, before "The" by inserting "Except as provided in subsection (d),"; in line 21, by striking "30" and inserting "60"; in line 22, by striking "30-day" and inserting "60-day"; following line 28, by inserting:

"(d) The provisions of subsection (c) shall not apply to any municipality which has a procedure for filling vacancies in its governing body and which has filled such

vacancies within 60 days."; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 86** be passed.

Also, **SB 98** be amended on page 1, in line 6, by striking all after "(a)"; by striking all in lines 7 through 34; in line 35, by striking all before the period and inserting "Charges for public records requests under the Kansas open records act shall be subject to the following:

(1) Charges for copies of public records which may be provided on black and white standard size pages shall not exceed \$.25 per page;

(2) all other public records provided shall be charged at no more than the cost to the public agency to provide the public records to the records requestor; and

(3) staff time shall be charged at the lowest hourly rate of the person who is qualified to provide the public records.

(b) "Standard size" means 8<sup>1</sup>/<sub>2</sub> x 11 inches or 21.59 x 27.94 centimeters";

Also on page 1, in line 36, by striking "(e)" and inserting "(c)";

On page 5, in line 25, after "meeting" by inserting ": (1)"; in line 26, by striking ". The secretary of state shall"; in line 27, by striking "determine the format of the minutes" and inserting "; and

(2) to determine the format of the minutes"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 219** be amended on page 1, in line 10, by striking ", emotional"; in line 12, by striking ", emotional"; in line 28, before the first "vulnerable" by inserting "a"; in line 34, before "vulnerable" by inserting "a";

On page 2, in line 6, by striking "emotional or";

On page 4, in line 4, by striking "have reasonable cause to suspect or believe"; by striking all in line 5; in line 6, by striking "mental or emotional abuse or neglect or sexual abuse" and inserting "has reasonable cause to believe that an adult is being or has been abused, neglected, exploited or subjected to fiduciary abuse";

On page 5, in line 16, by striking "a vulnerable" and inserting "an"; 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 Masterson in the chair.

On motion of Senator Masterson the following report was adopted:

Recommended: **SB 43, SB 57, SB 77, SB 78** be passed.

**SB 13, SB 44, SB 45, SB 51, SB 54, SB 58, SB 93, SB 150, SB 188** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 70** be amended by the adoption of the committee amendments and the bill be passed as amended.

A motion by Senator Petty to amend **SB 70** failed and the following amendment was rejected on page 1, in line 6, by striking "Each person making an initial application for a"; by striking all in lines 7 through 9; in line 10, by striking all before the period and inserting "The following persons shall submit, at the time of application, a complete set of legible fingerprints of the person: (1) Each person making an initial application for a Kansas teaching certificate or teaching license on or after July 1, 2015; (2) each person making an application for renewal of an expired Kansas teaching certificate or teaching license on or after July 1, 2015; and (3) each person making an application for renewal

of a valid Kansas teaching certificate or teaching license on or after July 1, 2015, if such person has never submitted fingerprints as part of any previous application for a Kansas teaching certificate or teaching license issued by the state board of education";

Also on page 1, in line 15, after "investigation." by inserting "The state department of education shall maintain a subscription to the criminal history record monitoring service provided by the Kansas bureau of investigation records management section for each person whose fingerprints are submitted pursuant to this section, until such person no longer has a valid Kansas teaching certificate or teaching license."; in line 27, by striking "taken by a qualified law enforcement"; in line 28, by striking "agency"; in line 32, after "investigation." by inserting "The school district shall maintain a subscription to the criminal history record monitoring service provided by the Kansas bureau of investigation records management section for each person whose fingerprints are submitted pursuant to this section, until such person is no longer employed by such school district in a position with direct contact with students."; in line 33, by striking "Each school district shall release fingerprints submitted pursuant"; by striking all in lines 34 through 36;

On page 2, by striking all in lines 1 through 4; and in line 5, by striking "(c)"; on page 2, following line 8, by inserting:

"(c) Any person who does not comply with the provisions of this section shall not be employed by a school district in a position with direct contact with students.";

On page 7, in line 29, after "(f)" by inserting "(1)"; in line 31, by striking "taken by a qualified law enforcement"; in line 32, by striking "agency"; in line 37, after "investigation." by inserting "The public innovative district shall maintain a subscription to the criminal history record monitoring service provided by the Kansas bureau of investigation records management section for each person whose fingerprints are submitted pursuant to this section, until such person is no longer employed by such public innovative district in a position with direct contact with students.

(2) ";

Also on page 7, in line 38, by striking "Each district also shall release"; by striking all in lines 39 through 43;

On page 8, by striking all in line 1 and 2; following line 2, by inserting "(3) Any person who does not comply with the provisions of this section shall not be employed by a public innovative district in a position with direct contact with students."

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

On roll call, the vote was: Yeas 11; Nays 26; Present and Passing 0; Absent or Not Voting 3.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Schmidt.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: King, Olson, Ostmeyer.

A motion by Senator Petty to amend **SB 188** failed.

The committee report on **Sub SB 38** recommending **Sub SB 38** be adopted, and the substitute bill be passed.

The committee report on **Sub SB 60** recommending **Sub SB 60** be adopted, and the substitute bill be passed.

**SB 27** be amended by motion of Senator Abrams, on page 2, in line 16, after "organization" by inserting "or any religious organization";

On page 4, following line 22, by inserting:

"Sec. 6. K.S.A. 2014 Supp. 25-4148a is hereby amended to read as follows: 25-4148a. When a report is made under this act and the amount being contributed by an individual is over \$150, the report shall list the occupation ~~and industry~~ of the individual contributor. If the individual contributor is not employed for compensation then the report shall list the occupation ~~and industry~~ of the contributor's spouse."; in line 24, after "Supp." by inserting "25-4148a and";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "Supp." by inserting "25-4148a and".

**SB 27** be further amended by motion of Senator McGinn, on page 4, following line 22, by inserting:

"Sec. 6. K.S.A. 46-269 is hereby amended to read as follows: 46-269. Each report required to be filed by K.S.A. 46-268, and amendments thereto, is a public record and shall be open to public inspection upon request. Such report shall disclose the following:

(a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist during the period reported.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist's employer for or in direct relation to lobbying during the reporting period, if such expenditures exceed \$100. Individual expenditures of less than \$2 shall not be required to be reported under this subsection. Every lobbyist shall keep detailed accounts of all expenditures required to be reported pursuant to K.S.A. 46-268, and amendments thereto. Such expenditures shall be reported according to the following categories of expenditures:

- (1) Food and beverages provided as hospitality;
  - (2) entertainment, gifts, honoraria or payments;
  - (3) mass media communications;
  - (4) recreation provided as hospitality;
  - (5) communications for the purpose of influencing legislative or executive action;
- and
- (6) all other reportable expenditures made in the performance of services as a lobbyist.

With regard to expenditures for entertainment or hospitality which is primarily recreation, food and beverages, only amounts expended on a state officer or employee or on such officer or employee's spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this subsection and subsection (d), no lobbyist shall be responsible to report any expenditure by the lobbyist's employer of which such person has no knowledge.

(c) (1) In addition to the information reported pursuant to subsection (b), each lobbyist expending an aggregate amount of \$100 or more for lobbying in any reporting period shall report any gift, entertainment or hospitality provided to members of the legislature, members of the judicial branch of government and any employees of the legislature or judicial branch of government. Such report shall disclose the full name of the legislator, member of the judicial branch and employee who received such gift,

entertainment or hospitality the date and the amount expended on such gift, entertainment or hospitality.

(2) No report shall be required to be filed pursuant to this subsection (c) for the following:

(A) Meals, the provision of which is motivated by a personal or family relationship;  
 (B) meals provided at public events in which the person is attending in an official capacity;

(C) meals provided to a person subject to this section when it is obvious such meals are not being provided because of the person's official position;

(D) food such as soft drinks, coffee or snack foods not offered as part of a meal; and

(E) entertainment or hospitality in the form of recreation, food and beverages provided at an event to which the following have been invited:

(i) All members of the legislature or all members of either house of the legislature; or

(ii) all members of a political party caucus of the legislature or all members of a political party caucus of either house of the legislature.

(d) Except as provided by subsection (c), whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only the aggregate amount or value of the expenditure contributed by such lobbyist.

(e) Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular expenditure or gift, honoraria or payment. No expenditure or gift, honoraria or payment required to be reported by this section shall be reported by more than one lobbyist.

(f) All accounts, records and documents of the lobbyist which relate to every expenditure reported or which should have been reported shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission.";

Also on page 4, in line 23, following "46-268" by inserting "and 46-269";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "46-268" by inserting "and 46-269" and **SB 27** be passed as amended.

**SB 120** be amended by motion of Senator Arpke, on page 1, in line 27, by striking "320" and inserting "160";

On page 2, in line 39, by striking "paragraphs" and inserting "paragraph"; also in line 39, by striking "and (a)(3)"; in line 40, after "lands" by inserting "of less than 640 acres"; also in line 40, after "funds" by inserting "in the southeast Kansas counties of Cherokee, Crawford, Labette and Neosho" and **SB 120** passed as amended.

**SB 125** be amended by motion of Senator Schmidt, on page 2, in line 39, after "secretary" by inserting "on or before July 1, 2016" and **SB 125** be passed as amended.

**SB 121** be amended by adoption of the committee amendments, by further amended by motion of Senator Pilcher-Cook, on page 2, in line 29, by striking "member" and inserting "members" and **SB 121** be passed as further amended.

A motion by Senator Kelly to amend **SB 121** failed: on page 2, in line 9, by striking

"11" and inserting "12"; by striking all in lines 25 through 28; in line 29, by striking all before the period and inserting "one member of the house committee on appropriations appointed by the chairperson of the house committee on appropriations; (6) one member of the senate committee on ways and means appointed by the chairperson of the senate committee on ways and means; (7) one member of the house committee on appropriations appointed by the ranking minority member of the house committee on appropriations; (8) one member of the senate committee on ways and means appointed by the ranking minority member of the senate committee on ways and means; (9) one member of the house of representatives appointed by the speaker of the house of representatives; and (10) one member of the senate appointed by the president of the senate";

On page 3, in line 7, by striking "Six" and inserting "Seven".

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

On roll call, the vote was: Yeas 11; Nays 27; Present and Passing 0; Absent or Not Voting 2.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt.

Nays: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Olson, Ostmeyer.

The motion failed.

**SB 124** be amended by adoption of the committee amendments, be further amended by motion of Senator McGinn, on page 4, following line 13, by inserting:

"(H) The provisions of this paragraph shall expire on July 1, 2018." and **SB 124** be passed as further amended.

#### **REPORT ON ENROLLED BILLS**

**SR 1717, SR 1718, SR 1719, SR 1720** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 25, 2015.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, February 26, 2015.

# Journal of the Senate

THIRTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 26, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

Dear Lord, ships and boats are mysterious to me. I am fascinated that while there is so much water everywhere, a heavy ship can float – that is as long as the water is out and the air is in. Maybe there is a lesson that can be learned. When we keep the positive inside, the negative can never cause us to go under. With your help dear Lord, help us always to rise above the negative in our lives. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1604—  
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 2015 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 February 26, 2015, and shall reconvene on March 4, 2015, pursuant to adjournment of the daily session convened on February 26, 2015; 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 K.S.A. 46-137a(a) and (b), 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 1604** was adopted by voice vote.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Commerce: **HB 2096, HB 2254.**

Federal and State Affairs: **SB 267; HB 2154.**

Financial Institutions and Insurance: **HB 2216, HB 2258, HB 2259, HB 2260.**

Judiciary: **HB 2109, HB 2256.**

Natural Resources: **SB 268, SB 269.**

Transportation: **HB 2103.**

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 13**, AN ACT concerning criminal history record information; definitions; amending K.S.A. 2014 Supp. 22-4701 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 27**, AN ACT concerning candidates and lobbyists; relating to uses of campaign funds; concerning campaign finance disclosures; relating to certain lobbyist filings; amending K.S.A. 25-904, 25-4157, 25-4173, 46-268 and 46-269 and K.S.A. 2014 Supp. 25-4157a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 18; Nays 22; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bruce, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holmes, King, LaTurner, Longbine, Love, Masterson, Petersen, Wagle, Wilborn.

Nays: Baumgardner, Bowers, Denning, Hawk, Holland, Kelly, Kerschen, Knox, Lynn, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wolf.

A constitutional majority having failed to vote in favor of the bill, **SB 27** did not pass.

**Sub SB 38**, AN ACT concerning patent infringement; relating to bad faith assertions of patent infringement; Kansas consumer 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed.

**SB 43**, AN ACT designating a portion of K-8 as the home on the range highway, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 44**, AN ACT concerning courts; relating to docket fees; electronic filing and management fund and judicial branch docket fee fund; amending K.S.A. 2014 Supp. 20-1a16 and 20-362 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 45**, AN ACT concerning firearms; relating to the carrying of concealed firearms; relating to the personal and family protection act; amending K.S.A. 2014 Supp. 21-5914, 21-6301, 21-6302, 21-6308, 21-6309, 32-1002, 75-7c01, 75-7c03, 75-7c04, 75-7c05, 75-7c10, 75-7c17, 75-7c20 and 75-7c21 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 75-7c19, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 7; Present and Passing 2; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Pettey, Wolf.

Present and Passing: McGinn, Schmidt.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Madam President: I vote "Aye" on **SB 45** regarding public permitless concealed carry of weapons by a legal gun owner. Since coming to the Legislature, the most important thing that remains for me to do is to listen, carefully, to the voices of my voting

constituents. Recognizing and respecting the differing views on this concept and on this issue, my support for **SB 45** has come down to one immutable fact. Law abiding, legally registered gun owners who should be able to conceal and carry are currently being far outnumbered by illegal gun owners (some, often, criminals) who do conceal and carry. In our society, I prefer to favor the lawful over the lawless. In our society, I vote to now provide the same personal safety and protection to a registered law-abiding gun owning citizen that parallels an unregistered gun possessor. Despite the loss of revenue now required for a CCW permit and the removal of training requirements which could only be good for any shooter, public or private, statistics suggest that “an armed society is a politer society” and again, accordingly Madam President, I vote “Aye” on **SB 45**.—DAVID HALEY

Senators Abrams, Arpke, Bowers, Bruce, Denning, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, Melcher, Ostmeyer, Petersen, Pilcher-Cook, Smith, and Wilborn request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **SB 45**.

Madam President: In nearly 40 years of service in the Kansas Legislature, my record on firearms and the 2nd Amendment speaks for itself. Most notably, in 2006, I voted in favor of **SB 418** allowing law abiding Kansans to carry concealed firearms. Governor Sebelius vetoed that legislation. In response, I voted to override her veto. As a result, Kansans can now carry concealed firearms after going through sufficient training and licensing. Make no mistake, I support current law. However, I cannot in good conscience support **SB 45** because of my uncertainty as to the impact it will have on our state. Will this bill put people in unnecessary danger? Will our state’s business community be adversely affected by way of unneeded liability or potential higher insurance costs? And, could this bill lead to business owners being forced to ban any and all firearms, including concealed firearms currently allowed by law? Without sufficient answers to these questions, I must vote “No.”—ANTHONY HENSLEY

Madam President: Today I stand with many of my colleagues who consider ourselves to be gun rights advocates and supporters of the second amendment. I've been consistently endorsed by gun advocacy organizations throughout my career, and I will forever remain a supporter of our second amendment rights. Through the years, I've voted in favor of gun right measures, and have been proud to do so with full confidence. I vote “Aye” on **SB 45**, but unlike so many other gun advocacy votes, I do so today with uncertainty. I hope as the process and this bill evolves, those who have contacted me this week with legitimate concerns on the measure will involve themselves in the process and help the legislature separate fact from fiction to eliminate any unintended consequences. However, today we must vote, and when in doubt, I believe that if we err, we ought to do so on the side of freedom and the continued protection of our most basic constitutional rights.—SUSAN WAGLE

Senators Donovan, Kelly, and McGinn request the record to show they concur with the "Explanation of Vote" offered by Senator Wagle on **SB 45**.

**SB 51**, AN ACT concerning courts; relating to court fees and costs; judicial branch surcharge fund; amending K.S.A. 2014 Supp. 8-2107, 8-2110, 20-3021, 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, 60-729, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 21-6614e, 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: Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Petersen, Pettey, Powell, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Abrams, Olson, Ostmeyer, Pilcher-Cook, Pyle, Tyson.

The bill passed, as amended.

**SB 54**, AN ACT concerning insurance; pertaining to motor vehicle liability insurance; relating to mailing of notice of termination of coverage; amending K.S.A. 2014 Supp. 40-3118 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 57**, AN ACT concerning the Kansas power of attorney act; relating to durable power of attorney; definitions; duties of attorney in fact; laws governing powers of attorney executed prior to July 1, 2015; amending K.S.A. 58-651 and 58-664 and K.S.A. 2014 Supp. 58-652 and 58-656 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 58**, AN ACT concerning the Kansas judicial review act; relating to venue; amending K.S.A. 77-609 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Pyle.

The bill passed, as amended.

**Sub SB 60**, AN ACT concerning schools; relating to the Kansas state high school activities association; relating to participation by certain students, 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, Arpke, Baumgardner, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hensley, Holland, Holmes, Kelly, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Bowers, Hawk, Kerschen, Longbine, McGinn, Ostmeyer, Schmidt, Wilborn, Wolf.

Present and Passing: Francisco.

The substitute bill passed.

#### EXPLANATION OF VOTE

Mr. Vice President: I agree that there is a good argument for allowing all school-age children to participate in activities offered by a school district and appreciate the amendments added in committee that keep expectations similar for all those children. However, the state has a responsibility to provide funding and our current school funding formula ties much of that funding to enrollment. I believe it is the responsibility of the legislature to both allow participation and provide funding. Without both, I "Pass" on **Sub SB 60**.—MARCI FRANCISCO

Senators Haley and Hawk request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **Sub SB 60**.

**SB 70**, AN ACT concerning teachers; relating to background checks and revocation of licensure; amending K.S.A. 2014 Supp. 72-1397 and 72-1923 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, McGinn, Pettey, Schmidt, Tyson.

Present and Passing: Hensley.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Madam President: I vote "No" on **SB 70**. When initially applying for a license, teachers must submit their fingerprints for a background check. Fingerprints do not change over time. So, it is unnecessary to require teachers to be fingerprinted every five years when they go to renew their licenses, especially since it is not the standard practice for any other profession. The Kansas State Board of Education already has the authority to revoke, suspend, or censure the license of anyone convicted of any felony. Since 1996, there is no evidence that the board has not taken action to revoke or deny a

license to a teacher or administrator convicted of offenses outlined in current statute. It is time for the Kansas Legislature to stop treating teachers as though they are guilty until proven innocent. I vote “No.”—PAT PETTEY

Senators Francisco, Haley, Hawk, Holland, Kelly and McGinn request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **SB 70**.

**SB 77**, AN ACT concerning the ethics commission; relating to fees; amending K.S.A. 2014 Supp. 25-4119f, 25-4145 and 46-265 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Pilcher-Cook, Powell, Pyle, Tyson.

The bill passed.

**SB 78**, AN ACT concerning campaign finance; relating to electronic filing of legislative reports; amending K.S.A. 2014 Supp. 25-4148 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 20; Nays 20; Present and Passing 0; Absent or Not Voting 0.

Yeas: Arpke, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hensley, Holmes, King, LaTurner, Longbine, Love, Melcher, O'Donnell, Pettey, Pilcher-Cook, Smith, Wagle, Wilborn.

Nays: Abrams, Baumgardner, Bowers, Haley, Hawk, Holland, Kelly, Kerschen, Knox, Lynn, Masterson, McGinn, Olson, Ostmeyer, Petersen, Powell, Pyle, Schmidt, Tyson, Wolf.

A constitutional majority having failed to vote in favor of the bill, **SB 78** did not pass.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote “No” on **SB 78** and sincerely hope that the majority of our colleagues will vote the same and kill this bill now. **SB 78** would require all Kansas campaigns for the state senate and the state house of representatives to file campaign finance reports electronically, “online”, so to speak. Currently all such campaigns may file such reports written in long hand and submitted to the commission in person, or by mail or facsimile (fax) by a certain prescribed date. This change will stifle access to running for state office. Not, perhaps, by you or by me or by many legislative incumbents who are already filing campaign reports electronically, but by those candidates who are seeking to run for office and do not have either the ready access to or the requisite skill set to either the internet or to, even, computer equipment. Yes, I know, Madam President, that I am usually the very one to urge this Senate to let go of the past, to move onward progressively...into the future; to “get with the times!” But where access to lawfully pursuing office is challenged, I vote now to embrace the status quo and vote “No” on **SB 78**. —DAVID HALEY

**SB 93**, AN ACT concerning postsecondary education; relating to postsecondary career technical education performance-based funding; amending K.S.A. 2014 Supp.

72-4490 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 120**, AN ACT concerning wildlife, parks and tourism; relating to land purchases; amending K.S.A. 2014 Supp. 32-833 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Baumgardner, Denning, Longbine, Lynn, McGinn, Pyle, Tyson.

Present and Passing: Francisco.

The bill passed as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I fully support the intent of **SB 120** for the Department of Wildlife, Parks and Tourism to use natural resource damage funds to purchase land in the Kansas counties of Cherokee, Crawford, Labette, and Neosho. I am very concerned with the parts of the amendment that were added, without any discussion in committee, to limit the size of the tracts that can be purchased with those funds and also to reduce the size of tracts throughout Kansas that can be purchased by the department without approval by an act of the legislature. I believe it is vital to have public land in Kansas, for the public and for wildlife. Because of the amendment, I vote "Pass" on **SB 120**.—

MARCI FRANCISCO

Mr. Vice President: While I support limiting Kansas, Wildlife and Parks from making purchases for grounds suitable for hunting, I voted no on this bill because an amendment was offered to isolate four counties, and no justification was given.—

CAROLYN MCGINN

**SB 121**, AN ACT concerning the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight; members and meetings; amending K.S.A. 2014 Supp. 39-7,160 and repealing the existing section, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson,

Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt.

The bill passed, as amended.

**SB 124**, AN ACT concerning solid waste disposal; relating to land-spreading of drilling waste; amending K.S.A. 2014 Supp. 65-3407c 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 125**, AN ACT concerning radioactive materials; relating to by-product material; low-level radioactive waste; naturally occurring radioactive material; amending K.S.A. 48-1603 and 48-1620 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 150**, AN ACT concerning motor carriers; relating to the regulation thereof; representation before the corporation commission; amending K.S.A. 2014 Supp. 66-1,142b 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 188**, AN ACT concerning school districts; relating to the Kansas uniform financial accounting and reporting act; relating to publication requirements; amending K.S.A. 2014 Supp. 72-8254 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Haley, Holmes, King, Knox, LaTurner, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Love, McGinn, Ostmeyer, Pettey, Schmidt.

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 Longbine in the chair.

The morning session recommended:

**SB 73, SB 157** be passed.

A motion by Senator Knox to amend **SB 157** was withdrawn.

**SB 154, SB 156, SB 168, SB 227** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 149** be amended by the adoption of the committee amendments, be amended by motion of Senator King: on page 34, in line 2, by striking "59-29a01 et seq." and inserting "59-29a07"; in line 3, after "agency" by inserting "for a pending criminal proceeding"; in line 5, after "to," by inserting "reasonable"; in line 8, by striking "sexual predator treatment"; in line 9, by striking "program" and inserting "SPTP new crimes reimbursement"; in line 18, by striking "July 1, 2015" and inserting "January 1, 2016"; in line 20, by striking "sexual predator treatment program" and inserting "SPTP new crimes reimbursement" and **SB 149** be passed as further amended.

**SB 128** be amended by the adoption of the committee amendments, be passed over and retain a place on the calendar.

The committee rose and reported progress (see Committee of the Whole, afternoon session.)

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

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

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2059, HB 2061, HB 2063, HB 2085, HB 2104, HB 2106, HB 2131, HB 2163, HB 2170, HB 2177, HB 2183, HB 2192, HB 2193, HB 2228, HB 2231, HB 2281, HB 2326, HB 2353, HB 2364.**

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2059, HB 2061, HB 2063, HB 2085, HB 2104, HB 2106, HB 2131, HB 2163, Sub HB 2170, HB 2177, HB 2183, HB 2192, HB 2193, HB 2228, HB 2231, HB 2281, HB 2326, HB 2353, HB 2364** were thereupon introduced and read by title.

#### REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 131** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 131," as follows:

"Substitute for SENATE BILL No. 131

By Committee on Corrections and Juvenile Justice

"AN ACT concerning public safety; relating to peer support counseling sessions; emergency services personnel and law enforcement personnel; amending K.S.A. 22-2202 and repealing the existing section.";

And the substitute bill be passed.

Also, recommends **SB 216** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 216," as follows:

"Substitute for SENATE BILL No. 216

By Committee on Corrections and Juvenile Justice

"AN ACT concerning school districts; creating the Kansas school security act; also repealing K.S.A. 72-89b01, 72-89b02, 72-89b03, 72-89b04 and 72-89b05.";

And the substitute bill be passed.

### COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole, for further consideration of bills on the calendar under the heading of General Orders with Senator Longbine in the chair.

On motion of Senator Longbine the morning report and the following afternoon report were adopted:

**SB 113, SB 126, SB 142, SB 189, SB 228** be passed.

**SB 12, SB 91, SB 112, SB 127, SB 183, SB 190, SB 206, SB 215, SB 240** be amended by the adoption of the committee amendments, and the bills be passed as amended.

The Committee returned to **SB 128** and the bill be passed as amended.

An amendment was offered by Senator Petty on **SB 12**. A ruling of the chair was requested as to the germaneness to the bill. The amendment was ruled not germane.

An amendment was offered by Senator Haley on **SB 12**. A ruling of the chair was requested as to the germaneness to the bill. The amendment was ruled not germane.

An amendment was offered by Senator Haley on **SB 12**. A ruling of the chair was requested as to the germaneness to the bill. The amendment was ruled not germane.

The committee report on **Sub SB 18** recommending **Sub SB 18** be adopted, and the substitute bill be passed.

A motion by Senator Haley to amend **Sub SB 18** failed.

The committee report on **Sub SB 171** recommending **Sub SB 171** be adopted, and further amended by motion of Senator LaTurner, on page 50, following line 42, by inserting:

"New Sec. 61. (a) Whenever a statute requires or otherwise provides for an election on the issue of:

- (1) Levying or increasing the levy of any tax; or
  - (2) authorizing the issuance of bonds by any municipality, the elections shall be held at the next regularly scheduled primary or general election.
- (b) "Municipality" shall mean any city, county or school district.

Sec. 62. K.S.A. 10-120 is hereby amended to read as follows: 10-120. (a) Whenever an election is required for the issuance of bonds for any purpose by any municipality other than an irrigation district or where a different procedure for giving notice of the election is specifically provided by law, upon compliance with the legal requirements necessary and precedent to the call for the election, the proper municipal officers shall call an election. The election shall be held ~~within 45 days after compliance with the necessary requirements, or within 90 days, should the longer period include the~~

date of a at the next primary or general election which permits the notice requirements of subsection (b) to be met.

(b) Notice of the election shall be published in a newspaper of general circulation in the municipality once each week for two consecutive weeks. The first publication shall be not less than 21 days prior to the election. The notice shall set forth the time and place of holding the election and the purpose for which the bonds are to be issued and shall be signed by the county election officer. The election shall be held at the usual place of holding elections and shall be conducted by the officers or persons provided by law for holding elections in the municipality.

Sec. 63. K.S.A. 12-138 is hereby amended to read as follows: 12-138. Any city election called under the provisions of this act shall be called ~~within 30 days and held within 90 days~~ after the filing of a petition demanding such election, or after the publication of an ordinance authorizing a levy for which an election is called without petition. The governing body shall pass an ordinance calling the election and fixing the date, ~~which at the next regular primary or general election and such~~ ordinance shall be published once in the official city newspaper. The sufficiency of the number of signers of any petition filed under the provisions of this act shall be determined by the county election officer. Every election held under the provisions of this act shall be conducted by the county election officer. The county election officer shall publish a notice of such election once each week for two consecutive weeks in the official city newspaper, the first publication to be not less than 21 days prior to such election. The notice shall state the time of the election and the proposition which shall appear on the ballot. The proposition shall be: "Shall revenue ordinance No. \_\_\_\_, entitled (title of ordinance) take effect?"

Sec. 64. K.S.A. 12-6a15 is hereby amended to read as follows: 12-6a15. The governing body of any city proposing to issue general obligation bonds of the city for payment of any portion of the costs of any improvement authorized by this act may by resolution submit the question of issuing such bonds ~~at a general or special an~~ election called for that purpose under the provisions of K.S.A. 10-120, and amendments thereto, and if such election be called, no such bonds shall be issued ~~until and~~ unless a majority of the electors voting on the proposition shall have given their approval to the issuance of ~~such the~~ bonds.

Sec. 65. K.S.A. 2014 Supp. 12-1737 is hereby amended to read as follows: 12-1737. The governing body of any city may, for the purposes hereinbefore authorized and provided:

- (a) Receive and expend gifts;
- (b) receive and expend grants-in-aid of state or federal funds;
- (c) issue bonds of the city;
- (d) levy an annual tax of not more than ~~one mill for any city of the first class and not more than two mills for any city of the second or third class,~~ which tax levy may be made for a period not exceeding 10 years upon all taxable tangible property in such city for the purpose of creating a building fund to be used for the purposes herein provided and to pay a portion of the principal and interest on bonds issued by such city under the authority of K.S.A. 12-1774, and amendments thereto;
- (e) issue no-fund warrants;
- (f) use moneys from the general operating fund or other appropriate budgeted fund when available;

(g) use moneys received from the sale of public buildings or buildings and sites; or  
(h) combine any two or more of such methods of financing for the purposes herein authorized except that cities shall first use funds received from the payment of insurance claims for damages sustained by any such public building before resorting to methods of financing herein authorized.

An election upon the issuance of bonds under the authority of this act shall be required for the purpose of acquiring or constructing city offices, public libraries, auditoriums, community or recreational buildings.

When an election upon the issuance of bonds is required, the question of the issuance of such bonds shall be submitted to a vote of the qualified electors of the city at a ~~regular city primary or general election or at a special election called for that purpose.~~ No such bonds shall be issued unless a majority of those voting on the question vote in favor of the issuance of the bonds. The bond election shall be called and held and the bonds shall be issued in accordance with the provisions of the general bond law. No levies shall be made for the purpose of creating a building fund under the provisions of this act until a resolution authorizing the making of such levies is adopted by the governing body of the city. Such resolution shall state the specific purpose for which the tax levy is made, the total amount proposed to be raised and the number of years the tax levy shall be made. The resolution shall be published once each week for two consecutive weeks in the official city paper. After publication, the levies may be made unless a petition requesting an election upon the question of whether to make the levies is filed in accordance with this section. Such petition shall be signed by electors equal in number to not less than 10% of the electors who voted at the last preceding regular city election as shown by the poll books, is filed with the city clerk of such city within 60 days following the last publication of the resolution. If a valid petition is filed, the governing body shall submit the question to the voters at an election called for that purpose or at the next ~~regular city primary or general~~ election.

The levy authorized by this section shall be in addition to and not limited by any other act authorizing or limiting the tax levies of the city. The building fund may be used for the purposes provided by this act at any time after the second levy has been made. If there are insufficient moneys in the building fund for expenditures for such purposes, the governing body of the city may issue bonds of the city in the manner provided by the general bond law of the state and in an amount which, together with the amount raised by the tax levy authorized by this act, will not exceed the total amount stated in the resolution creating such fund. Cities are hereby authorized to invest any portion of the special building fund which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein or 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 special building fund.

No-fund warrants issued under the authority of this act shall be issued in the manner and form and bear interest and be redeemed as prescribed by K.S.A. 79-2940, and amendments thereto, except that they may be issued without the approval of the state board of tax appeals and without the notation required by K.S.A. 79-2940, and amendments thereto. The governing body of the city issuing such warrants shall levy a

tax for the first tax levying period after such warrants are issued, sufficient to pay such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law, and none of the tax limitations provided by article 19 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, shall apply to such levies.

Sec. 66. K.S.A. 19-117 is hereby amended to read as follows: 19-117. (a) Where the board of county commissioners of any county by resolution proposes to levy for revenue purposes any tax, excise, fee, charge or other exaction other than permit fees or license fees for regulatory purposes, a procedure for the levy of which is not otherwise prescribed by enactment of the legislature, such resolution shall require a ~~two-thirds~~  $(\frac{2}{3})$   $\frac{2}{3}$  vote of the members of the board and shall be published once each week for two (2) consecutive weeks in the official county newspaper.

No such resolution shall take effect until ~~sixty (60)~~ 60 days after its final publication, and if within ~~sixty (60)~~ 60 days of its final publication a petition signed by not less than ~~five percent (5%)~~ 5% of the qualified electors of the county shall be filed with the county election officer demanding that such resolution be submitted to a vote of the electors, it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. The board of county commissioners of any county may submit any resolution providing for such levy to a referendum without petition. Resolutions authorizing such levies submitted to referendum without petition may be passed by a majority vote of the board of county commissioners and shall be published once in the official county newspaper.

(b) Any county election called under the provisions of this act shall be ~~called within thirty (30) days and held within ninety (90) days at the next primary or general election~~ after the filing of a petition demanding such election. The board of county commissioners shall pass a resolution calling the election and fixing the date, which resolution shall be published once in the official county newspaper. The sufficiency of the number of signers of any petition filed under this act shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer. The county election officer shall publish a notice of such election once each week for three ~~(3)~~ consecutive weeks in the official county newspaper, the first publication to be not less than ~~twenty-one (21)~~ 21 days prior to such election. ~~Said~~ The notice shall state the time of the election and the proposition which shall appear on the ballot. The proposition shall be: "Shall revenue resolution No. \_\_\_\_ entitled (title of resolution) take effect?"

(c) The board of county commissioners shall be required to submit to a referendum the question of levying any tax or other revenue measure, authorized by the provisions of this act or other enactment referring to this act, upon the receipt of a petition signed by not less than ~~five percent (5%)~~ 5% of the qualified electors of such county, or upon receiving resolutions requesting such an election passed by the governing body of each of one or more cities within such county which contains a population of not less than ~~twenty-five percent (25%)~~ 25% of the entire population of the county. If a majority of the electors voting thereon at such election shall approve the proposed tax or other revenue measure, the board of county commissioners of such county shall then provide by resolution for the levy of such tax or other revenue measure. An election held under the provisions of this section shall be scheduled and conducted in the same manner as if a resolution was being submitted to the electors, except that the proposition shall state

the nature of the tax or revenue measure, the proposed rate and the date it would take effect.

(d) Any county tax or other revenue measure adopted under the provisions of this section shall continue in effect until amended or repealed by a resolution of the board of county commissioners which has also been adopted under the provisions of this section.

Sec. 67. K.S.A. 2014 Supp. 19-15,116 is hereby amended to read as follows: 19-15,116. The board of county commissioners of any county may for the purposes ~~hereinbefore~~ authorized and provided:

(a) Receive and expend gifts;

(b) receive and expend grants-in-aid of state or federal funds;

(c) issue general obligation bonds of the county. If it is determined that it is necessary to issue more than \$300,000 in general obligation bonds for the purposes ~~hereinbefore~~ authorized, such bonds shall not be issued until the question of their issuance has been submitted to a vote of the qualified electors of the county and has been approved by a majority of those voting thereon at a primary or general election ~~or at a special election called for that purpose~~. Such election shall be called and held and bonds issued in the manner provided by the general bond law;

(d) make an annual tax levy of not to exceed one mill for a period of not to exceed 10 years upon all taxable tangible property in the county for the purpose of creating a building fund to be used for the purposes herein provided 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, except that no such levies shall be made until a resolution authorizing the same shall be adopted by the board of county commissioners stating the specific purpose for which such fund is created, the total amount proposed to be raised, the number of years such tax levy shall be made and shall be published once each week for three consecutive weeks in the official county newspaper. Whereupon such levies may be made unless a petition requesting an election upon the proposition, signed by electors equal in number to not less than 10% of the electors of the county who voted for the secretary of state at the last preceding general election, is filed with the county clerk within 30 days following the last publication of such resolution. In the event such petition is filed, the board of county commissioners shall submit the question to the voters at ~~at~~ the next primary or general election ~~called for that purpose and held within 90 days after the last publication of the resolution or at the next general election if held within that time and~~. No such levies shall be made unless ~~such~~ the proposition shall receive the approval of a majority of the votes cast thereon. Such election shall be called and held in the manner provided in the general bond law. Such building fund may be used for the purposes stated in the resolution establishing the same at any time after the making of the second levy and if there are insufficient moneys in the building fund for such purpose the board of county commissioners may, in the manner provided by the general bond law of the state issue general obligation bonds of the county in an amount which together with the amount raised by the tax levies will not exceed the total amount stated in the resolution creating such fund. All levies authorized under the provisions of this section shall be in addition to and not limited by any other act authorizing or limiting the tax levies of such counties. Counties are hereby authorized to invest any portion of the special building fund which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein or 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 special building fund, except that the board of county commissioners of any county which has heretofore established a building fund under the provisions of this act may, if it shall find that the amount of the fund as originally established is insufficient for such purposes, by resolution redetermine and increase the amount necessary to be raised for the purpose for which such fund was originally created and may make or continue to make an annual tax levy of not to exceed one mill upon all of the taxable tangible property of the county for the purpose of providing the additional funds contemplated by the supplemental resolution 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. Such supplemental resolution shall be published and shall be subject to petition for election and become effective in like manner as that provided for the original resolution;

(e) issue no-fund warrants in the manner and form and bearing interest and redeemable as prescribed by K.S.A. 79-2940, and amendments thereto, except that they may be issued without the approval of the state board of tax appeals, and without the notation required by such section. The board of county commissioners shall make a tax levy at the first tax levying period after such warrants are issued, sufficient to pay such warrants and the interest thereon. All such levies shall be in addition to all other levies authorized or limited by law and the tax limitations provided by article 19 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, shall not apply to such levies;

(f) use moneys from the general operating fund or other appropriated budgeted fund when such is available;

(g) use moneys received from the sale of public buildings or buildings and sites without regard to limitations prescribed by the budget law;

(h) or may combine any two or more of such methods of financing for the purposes herein authorized, except that counties shall first use funds received from the payment of insurance claims for damages sustained by any such public building before resorting to methods of financing herein authorized;

(i) authorize the county engineer to supervise the work necessary for the purposes herein provided, including the right of such county engineer to have such work done by force account as well as by contract.

Sec. 68. K.S.A. 68-438 is hereby amended to read as follows: 68-438. The governing body of any city may submit the question of issuing general obligation bonds of the city as authorized by K.S.A. 68-437, and amendments thereto, to the electors at an a primary or general election called by the governing body at any time and held thereon. The governing body shall submit such question upon submission of a petition signed by not less than 10% of the qualified electors of the city.

Sec. 69. K.S.A. 2014 Supp. 72-6433 is hereby amended to read as follows: 72-6433. (a) As used in this section:

(1) "State prescribed percentage" means 33% of state financial aid of the district in the current school year.

(2) "Authorized to adopt a local option budget" means that a district has adopted a resolution pursuant to subsection (c), (d) or (e).

(3) "State financial aid" shall have the meaning provided in K.S.A. 72-6410, and amendments thereto, except that the term shall not include virtual school state aid, as described in K.S.A. 72-3715, and amendments thereto.

(b) In each school year, the board of any district may adopt a local option budget which does not exceed the state prescribed percentage.

(c) Subject to the limitation of subsection (b), in each school year, the board of any district may adopt, by resolution, a local option budget in an amount not to exceed:

(1) (A) The amount which the board was authorized to adopt in accordance with the provisions of this section in effect prior to its amendment by this act; plus

(B) the amount which the board was authorized to adopt pursuant to any resolution currently in effect; plus

(C) the amount which the board was authorized to adopt pursuant to K.S.A. 72-6444, and amendments thereto, if applicable to the district; or

(2) the state-wide average for the preceding school year as determined by the state board pursuant to subsection (k).

Except as provided by subsection (e), the adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(d) Except as provided by subsection (e), if the board of a district desires to increase its local option budget authority above the amount authorized under subsection (c) or if the board was not authorized to adopt a local option budget in 2006-2007, the board may adopt, by resolution, such budget in an amount not to exceed the state prescribed percentage. The adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. The resolution shall be published at least once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year in an amount not to exceed \_\_\_\_% of the amount of state financial aid. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk of the board of education.

All of the blanks in the resolution shall be filled as is appropriate. If a sufficient

petition is not filed, the board may adopt a local option budget. If a sufficient petition is filed, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto. If the board fails to notify the county election officer within 30 days after a sufficient petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(e) (1) Except as provided by paragraphs (2) and (3), any resolution authorizing the adoption of a local option budget in excess of 30% of the state financial aid of the district in the current school year shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the school district voting at ~~an a primary or general election called and held thereon~~. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto, ~~except that such election shall be a mail ballot election conducted in accordance with K.S.A. 25-431 et seq., and amendments thereto. Any such election shall be held on or before August 1 of the initial school year for which such resolution was adopted.~~

(2) For school year 2014-2015, any board of education of a school district which has adopted a local option budget in excess of 30% of state financial aid in the current school year on or before June 30, 2014, may adopt a second resolution in an amount not to exceed 2% of state financial aid, provided that the aggregate local option budget authority for the district does not exceed 33% of state financial aid in the current school year. The adoption of a second resolution pursuant to this paragraph shall require a majority vote of the members of the board and shall specifically state in such resolution that it shall expire on June 30, 2015. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(3) The board of unified school district no. 207, as described in K.S.A. 72-5333b, and amendments thereto, may adopt a local option budget in excess of 30% of state financial aid of the district in the current school year in accordance with subsection (d).

(f) Unless specifically stated otherwise in the resolution, the authority to adopt a local option budget shall be continuous and permanent. The board of any district which is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt a budget in an amount less than the amount authorized. If the board of any district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget.

(g) The board of any district may initiate procedures to renew or increase the authority to adopt a local option budget at any time during a school year after the tax levied pursuant to K.S.A. 72-6435, and amendments thereto, is certified to the county clerk under any existing authorization.

(h) The board of any district that is authorized to adopt a local option budget prior to the effective date of this act under a resolution which authorized the adoption of such budget in accordance with the provisions of this section in effect prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under

the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

(i) Any resolution adopted pursuant to this section may revoke or repeal any resolution previously adopted by the board. If the resolution does not revoke or repeal previously adopted resolutions, all resolutions which are in effect shall expire on the same date. The maximum amount of the local option budget of a school district under all resolutions in effect shall not exceed the state prescribed percentage in any school year.

(j) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under paragraph (3) and ~~subsection (e) of K.S.A. 72-6434(e)~~, and amendments thereto, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to any program weighted fund or categorical fund of the district. Amounts in the supplemental general fund attributable to any percentage over 25% of state financial aid determined for the current school year may be transferred to the capital improvements fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

(3) Amounts in the supplemental general fund may not be expended for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) (A) Except as provided in paragraph (B), any unexpended budget remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be maintained in such fund.

(B) If the district received supplemental general state aid in the school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the unexpended budget remaining by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district or remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(k) Each year the state board of education shall determine the statewide average percentage of local option budgets legally adopted by school districts for the preceding school year.

(l) The provisions of this section shall be subject to the provisions of K.S.A. 2014 Supp. 72-6433d, and amendments thereto.;

Also on page 50, in line 43, after "2-623," by inserting "10-120, 12-138, 12-6a15,";

On page 51, in line 8, after "13-1221," by inserting "19-117,"; in line 11, after "25-3503," by inserting "68-438,"; in line 13, after "2-624," by inserting "12-1737, 19-15,116,"; in line 15, by striking "and" and inserting a comma; also in line 15, after "42-706" by inserting "and 72-6433";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "2-623," by inserting "10-120, 12-138, 12-

6a15,"; also in in line 2, after "13-1221," by inserting "19-117,"; in line 6, after "25-3503," by inserting "68-438,"; in line 8, after "2-624," by inserting "12-1737, 19-15,116,"; in line 10, by striking the first "and" and inserting a comma; also in line 10, after "42-706" by inserting "and 72-6433"

**Sub SB 171** be further amended by motion of Senator Pettey, on page 3, in line 19, by striking "90" and inserting "365"

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

On roll call, the vote was: Yeas 21; Nays 19; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, LaTurner, Longbine, Love, McGinn, Petersen, Pettey, Pyle, Schmidt, Tyson, Wolf.

Nays: Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, King, Knox, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Smith, Wagle, Wilborn.

The motion was adopted.

**Sub SB 171** be further amended by motion of Senator Schmidt, on page 32, by striking all in lines 42 and 43;

On page 33, by striking all in lines 1 through 26;

On page 51, in line 10, by striking "25-2022, 25-2023,";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, by striking "25-2022, 25-2023,"

**Sub SB 171** be further amended by motion of Senator Francisco, on page 39, in line 4, by striking "two persons under"; in line 5, by striking "the age of 18 may be appointed to each election board" and inserting " $\frac{1}{3}$  of the persons appointed to each election board may be under the age of 18"

**Sub SB 171** be further amended by motion of Senator Haley, on page 50, following line 42, by inserting:

"New Sec. 61. (a) The purpose of this section is to provide an orderly and prompt means of filling vacancies in the governing body of a municipality. Prolonged vacancies in the governing body of a municipality deprive citizens of their right to representation and act as impediments to the orderly function of government of municipalities.

(b) As used in this section, the following terms are defined as follows:

(1) "Governing body" shall include the mayor and members of the council, the mayor and commissioners or the chairperson and members of the board of supervisors, depending on the form of government of the city or the consolidated city and county.

(2) "Municipality" means any city or any consolidated city and county.

(c) Except as provided in subsection (d), the governing body of any municipality where a vacancy exists shall appoint, by a majority vote of the remaining members, a person to fill the vacancy within 60 days of the vacancy. If the appointment is not made within the 60-day time frame, the governing body shall pass a resolution calling for a special election to fill such vacancy to be held within 45 days of the passage of such resolution. Candidates for the vacant office shall file for such office as provided in K.S.A. 25-2110a, and amendments thereto. The special election shall be conducted by the county election officer. The candidate receiving the highest number of votes for the vacant position shall assume such office upon certification of the election results.

(d) The provisions of subsection (c) shall not apply to any municipality which has a

procedure for filling vacancies in its governing body and which has filled such vacancies within 60 days of the vacancy.

Sec. 62. K.S.A. 12-344 is hereby amended to read as follows: 12-344. (a) Any plan submitted by the commission shall provide for the exercise of powers of local legislation and administration not inconsistent with the constitution or other laws of this state.

(b) If the commission submits a plan providing for the consolidation of certain city and county offices, functions, services and operations, the plan shall:

(1) Include a description of the form, structure, functions, powers and officers and the duties of such officers recommended in the plan-;

(2) provide for the method of amendment of the plan-;

(3) authorize the appointment of, or elimination of elective officials and offices-;

(4) specify the effective date of the consolidation-; and

(5) include other provisions determined necessary by the commission.

(c) If the plan provides for the consolidation of the city and county, in addition to the requirements of subsection (b), the plan shall:

(1) Fix the boundaries of the governing body's election districts, provide a method for changing the boundaries from time-to-time, any at-large positions on the governing body, fix the number, term and initial compensation of the governing body of the consolidated city-county and the method of election-;

(2) determine whether elections of the governing body of the consolidated city-county shall be partisan or nonpartisan elections and the time at which such elections shall be held-;

(3) determine the distribution of legislative and administrative duties of the consolidated city-county officials, provide for consolidation or expansion of services as necessary, authorize the appointment of a consolidated city-county administrator or a city-county manager, if deemed advisable, and prescribe the general structure of the consolidated city-county government-;

(4) provide for the official name of the consolidated city-county-; and

(5) provide for the transfer or other disposition of property and other rights, claims and assets of the county and city.

(d) Vacancies in the governing body shall be filled as provided in section 1, and amendments thereto.

Sec. 63. K.S.A. 2014 Supp. 12-363 is hereby amended to read as follows: 12-363. (a) Any plan submitted by the commission shall provide for the exercise of powers of local legislation and administration not inconsistent with the constitution or other laws of this state.

(b) If the commission submits a plan providing for the unification of certain city and county offices, functions, services and operations, the plan shall:

(1) Include a description of the form, structure, functions, powers and officers and the duties of such officers recommended in the plan-;

(2) provide for the method of amendment of the plan-;

(3) specify the effective date of the unification-; and

(4) include other provisions determined necessary by the commission.

(c) If the plan provides for the unification of the city and county, in addition to the requirements of subsection (b), the plan shall:

(1) Provide that the members of the governing body be elected from districts or on

an at-large basis and fix the number, term and initial compensation of the governing body of the unified city-county and the method of election;

(2) determine whether elections of the governing body of the unified city-county shall be partisan or nonpartisan elections and the time at which such elections shall be held;

(3) determine the distribution of legislative and administrative duties of the unified city-county officials, provide for unification or expansion of services as necessary, authorize the appointment of a city-county administrator or manager, if deemed advisable, and prescribe the general structure of the unified city-county government;

(4) provide for the official name of the unified city-county;

(5) provide for the transfer or other disposition of property and other rights, claims and assets of the county and city; and

(6) fix the rate of the retailers' sales tax, if any.

(d) Vacancies in the governing body shall be filled as provided in section 1, and amendments thereto.;

Also on page 50, in line 43, after "2-623," by inserting "12-344,";

On page 51, in line 13, after "2-624," by inserting "12-363,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "2-623," by inserting "12-344,"; in line 8, after "2-624," by inserting "12-363,"

**Sub SB 171** be further amended by motion of Senator Francisco, on page 1, in line 29, after "(b)" by inserting "(1)";

Also on page 1, following line 33, by inserting:

"(2) The term of members of governing bodies and other elected officials of any municipality that have been elected to four-year terms and which would expire at any time in 2019 shall expire on the second Monday in January of 2020, when newly elected members of the governing body and other newly elected officials shall take office." and **Sub SB 171** be passed as further amended.

A motion by Senator LaTurner to amend **Sub SB 171** failed.

**SB 97** be amended by the adoption of the committee amendments, be further amended by motion of Senator Kerschen, on page 2, in line 3, after the second comma by inserting "cheetahs"; following line 24, by inserting:

"(i) "Control" means keeping an animal in a harness and connected to a leash."

**SB 97** be further amended by motion of Senator Kerschen, on page 2, in line 3, after the second comma by inserting "cheetahs"; following line 24, by inserting:

"(i) "Control" means keeping an animal in a harness and connected to a leash.";

On page 3, in line 7, by striking "25" and inserting "10"

**SB 97** be further amended by motion of Senator Abrams, on page 3, following line 24, by inserting:

"(5) Before a member of the public handles or otherwise comes into physical contact with a dangerous regulated animal weighing between 10 and 40 pounds, not including bears or any hybrid thereof and non-native venomous snakes, such member of the public shall read and sign a statement that shall contain substantially the following:

"The handling or petting of a dangerous regulated animal is inherently dangerous and may result in scratches, bites or other injuries."" and **SB 97** be passed as further amended.

**SB 136** be amended by the adoption of the committee amendments, be further

amended by motion of Senator Abrams, on page 4, in line 33, before the first "and" by inserting ", hours and amounts of work"

**SB 136** be further amended by motion of Senator Arpke, on page 2, in line 40, after the stricken material by inserting "(A)";

On page 3, in line 20, before "and" by inserting "vacation allowance, holiday, sick, extended, sabbatical and other leave, and number of holidays; retirement; insurance benefits; wearing apparel; pay for overtime; jury duty; grievance procedure, including binding arbitration of grievances; disciplinary procedure; resignations; termination and nonrenewal of contracts; reemployment of professional employees; terms and form of the individual professional employee contract; probationary period; professional employee appraisal procedures; each of the foregoing being a term and condition of professional service, regardless of its impact on the employee or on the operation of the educational system; (B) matters which relate to privileges to be granted the recognized professional employees' organization, including, but not limited to, voluntary payroll deductions; dissemination of information regarding the professional negotiation process and related matters to members of the bargaining unit on school or college premises through direct contact with members of the bargaining unit; reasonable leaves of absence for members of the bargaining unit for organizational purposes, such as engaging in professional negotiation and partaking of instructional programs properly related to the representation of the bargaining unit; any of the foregoing privileges which are granted the recognized professional employees' organization through the professional negotiation process shall not be granted to any other professional employees' organization;"

Also on page 3, in line 20, before "such" by inserting "(C)";

On page 4, by striking all in line 33; in line 34, by striking all before the period and inserting "and hours and amounts of work. In addition, each party may select not more than three additional terms and conditions of professional service from the list described in K.S.A. 72-5413(l)(1), and amendments thereto, for negotiation. All other terms and conditions of professional service described in K.S.A. 72-5413(l)(1), and amendments thereto, shall be deemed permissive topics for negotiation and shall only be negotiated upon the mutual agreement of the parties" and **SB 136** passed as further amended.

A motion by Senator Fitzgerald to amend **SB 136** was withdrawn.

**SB 149** be amended by the adoption of the committee amendments, be further amended by motion of Senator King, on page 34, line 2, by striking "59-29a01 et seq." and inserting "59-29a07"; in line 3, after "agency" by inserting "for a pending criminal proceeding"; in line 5, after "to," by inserting "reasonable"; in line 8, by striking "sexual predator treatment"; in line 9, by striking "program" and inserting "SPTP new crimes reimbursement"; in line 18, by striking "July 1, 2015" and inserting "January 1, 2016"; in line 20, by striking "sexual predator treatment program" and inserting "SPTP new crimes reimbursement", and **SB 149** be passed as further amended.

**SB 159** be amended by the adoption of the committee amendments, be further amended by motion of Senator Pilcher-Cook, on page 1, following line 6, by inserting:

"New Section 1. Sections 1 through 6, and amendments thereto, shall be known and may be cited as the safe families act.

New Sec. 2. As used in the safe families act:

(a) "Attorney in fact" shall have the same meaning as defined in K.S.A. 58-651, and amendments thereto.

(b) "Serving parent" means a parent who is a member of the reserves of the army, navy, air force, marine corps or coast guard of the United States or the commissioned corps of the national oceanic and atmospheric administration or the public health service of the United States department of health and human services detailed by proper authority for duty with the army or navy of the United States, or who is required to enter or serve in the active military service of the United States under a call or order of the president of the United States or to serve on state active duty.

New Sec. 3. (a) A parent or legal custodian of a child may by a properly executed power of attorney provided in section 4, and amendments thereto, delegate to another person known as the attorney in fact, for a period not to exceed one year, except as provided in subsection (f), any of the powers regarding the care and custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. A delegation of powers under this section shall not deprive the parent or legal custodian of any parental or legal authority regarding the care and custody of the child.

(b) The parent or legal custodian of the child shall have the authority to revoke or withdraw the power of attorney authorized by subsection (a) at any time. Except as provided in subsection (f), if the delegation of authority lasts longer than one year, the parent or legal custodian of the child shall execute a new power of attorney for each additional year that the delegation exists. If a parent withdraws or revokes the power of attorney the child shall be returned to the custody of the parents as soon as reasonably possible.

(c) Unless the authority is revoked or withdrawn by the parent the attorney in fact shall exercise parental or legal authority on a continuous basis without compensation for the duration of the power of attorney authorized by subsection (a) and shall not be subject to any laws or rules or regulations dealing with the licensing or regulation of foster care homes.

(d) Except as otherwise provided by law, the execution of a power of attorney by a parent or legal custodian, as authorized in subsection (a), shall not constitute abandonment, abuse or neglect as defined in K.S.A. 38-2202, and amendments thereto, unless the parent or legal custodian fails to take custody of the child or execute a new power of attorney after the one-year time limit has elapsed.

(e) Under a delegation of powers as authorized by subsection (a), the child or children subject to the power of attorney shall not be considered as placed in foster care and the parties shall not be subject to any of the requirements or licensing laws, rules or regulations for foster care or other regulations relating to community care for children.

(f) A serving parent may delegate the power designated in subsection (a) for a period longer than one year if on active duty service. The term of delegation, however, may not exceed the term of active duty service plus 30 days.

New Sec. 4. (a) The following statutory form of power of attorney to delegate parental or legal authority as authorized by section 3, and amendments thereto, is legally sufficient:

Statutory Form for Power of Attorney to Delegate Parental or Legal Custodian Powers

1. "I certify that I am the parent or legal custodian of:

\_\_\_\_\_  
(Full name of minor child)

\_\_\_\_\_  
(Date of birth)

\_\_\_\_\_  
(Full name of minor child) (Date of birth)

\_\_\_\_\_  
(Full name of minor child) (Date of birth)"

2. "I designate \_\_\_\_\_  
(Full name of Attorney in fact),

\_\_\_\_\_  
(Street address, city, state and zip code of Attorney in fact)

\_\_\_\_\_  
(Home phone of Attorney in fact) (Work phone of Attorney in fact)  
as the attorney in fact of each minor child named above."

3. "I delegate to the attorney in fact all of my power and authority regarding the care, custody and property of each minor child named above, including, but not limited to, the right to enroll the child in school, inspect and obtain copies of education records and other records concerning the child, the right to attend school activities and other functions concerning the child, and the right to give or withhold any consent or waiver with respect to school activities, medical and dental treatment, and any other activity, function or treatment that may concern the child. This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child." or

4. "I delegate to the attorney in fact the following specific powers and responsibilities (write in): \_\_\_\_\_

(In the event paragraph 4 is completed paragraph 3 does not apply).

This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child."

5. "This power of attorney is effective for a period not to exceed one year, beginning \_\_\_\_\_, 20\_\_, and ending \_\_\_\_\_, 20\_\_. I reserve the right to revoke this authority at any time."

6." I am a serving parent as defined in the safe families act. My active duty is estimated to be completed on \_\_\_\_\_. I acknowledge that in no event may this delegation of power last more than one year or the term on my active duty plus 30 days, whichever is longer.

By: \_\_\_\_\_  
(Parent/Legal Custodian signature)"

7. "I hereby accept my designation as attorney in fact for \_\_\_\_\_  
(Minor child(ren)) as specified in this power of attorney.

\_\_\_\_\_  
(Attorney in fact signature)

State of \_\_\_\_\_

County of \_\_\_\_\_

ACKNOWLEDGMENT

Before me, the undersigned, a Notary Public, in and for \_\_\_\_\_ County and this State on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_\_ (Name of Parent/Legal Custodian) and

\_\_\_\_\_ (Name of Attorney in fact), to me known to be the identical persons who executed this instrument and acknowledged to me that each executed the same of such person's free and voluntary act and deed for the uses and purposes set forth in the instrument.

Witness my hand and official seal the day and year above written.

\_\_\_\_\_  
(Signature of notarial officer)

\_\_\_\_\_  
Title and Rank

(Seal, if any)

My commission expires \_\_\_\_\_

and **SB 159** be passed as further amended.

A ruling of the chair was requested as to the germaneness of the amendment. The chair ruled the amendment was germane to the bill.

**SB 180** be amended by the adoption of the committee amendments, be further amended by motion of Senator Denning, on page 2, in line 4, by striking "2016" and inserting "2017"; in line 19, by striking "2016" and inserting "2017";

On page 3, in line 7, by striking "2016" and inserting "2017" and **SB 180** be passed as further amended.

**SB 181** be amended by the adoption of the committee amendments, and further amended by motion of Senator Pilcher-Cook, on page 4, in line 8, by striking "make" and inserting "implement"; in line 9, after "utilization" by inserting "review"; in line 12, after "federal" by inserting "food and" **SB 181** be passed as further amended.

A motion by Senator Haley to amend **SB 181** failed.

**SB 197** be amended by the adoption of the committee amendments, and further amended by motion of Senator King, on page 5, in line 28, after "(b)" by inserting "(1)"; also on page 5, following line 30, by inserting:

"(2) Except as provided further, the commission shall not recess for a closed or executive meeting for any purpose. The commission, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting only for the purpose of discussing sensitive financial information contained within the personal financial records or official background check of a candidate for judicial nomination.

(3) Nothing in this subsection shall be construed to supersede the commission's discretion to close a record or portion of a record submitted to the commission pursuant to any applicable exception to public disclosure under the open records act.;"

On page 10, in line 21, after "(e)" by inserting "(1)"; also on page 10, following line 23, by inserting:

"(2) Except as provided further, the commission shall not recess for a closed or executive meeting for any purpose. The commission, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting only for the purpose of discussing sensitive financial information contained within the personal financial records or official background check of a candidate for judicial nomination.

(3) Nothing in this subsection shall be construed to supersede the commission's discretion to close a record or portion of a record submitted to the commission pursuant to any applicable exception to public disclosure under the open records act."

**SB 197** be further amended by motion of Senator Hensley, , on page 10, following line 23, by inserting:

"Sec. 11. K.S.A. 2014 Supp. 20-3020 is hereby amended to read as follows: 20-3020. (a) (1) On and after July 1, 2013, 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) If the governor is making an appointment to the court of appeals, the governor shall make each applicant's name and city of residence available to the public whenever the governor stops accepting applications for such appointment, but not less than 10 days prior to making such appointment.

(4) 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.

(5) If the chief justice of the supreme court is making an appointment to the court of appeals, the chief justice shall make each applicant's name and city of residence available to the public whenever the chief justice stops accepting applications for such appointment, but not less than 10 days prior to making such appointment.

~~(4)~~ (6) 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 section. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the time limitation imposed by this subsection, the senate shall be deemed to have given consent to such appointment.

(c) Persons who are appointed as judges of the court of appeals pursuant to K.S.A. 20-3005, prior to its repeal, and this section, shall commence the duties of office upon appointment and consent, and each judge shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals.

(d) Judges of the court of appeals shall possess the qualifications prescribed by law for justices of the supreme court.";

Also on page 10, in line 31, after "7-127" by inserting "and 20-3020";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "act;" by inserting "appointment of court of appeals judges; public information;"; in line 6, after "7-127" by inserting "and 20-3020" and **SB 197** be passed as further amended.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 12, Sub SB 18, SB 73, SB 91, SB 97, SB 112, SB 113, SB 126, SB 127, SB 128, SB 136, SB 142, SB 149, SB 154, SB 156, SB 157, SB 159, SB 168, Sub SB 171, SB 180, SB 181, SB 183, SB 189, SB 190, SB 197, SB 206, SB 215, SB 227, SB 228** and **SB 240** were advanced to Final Action and roll call.

**SB 12**, AN ACT concerning crimes and punishment; relating to battery; amending K.S.A. 2014 Supp. 21-5413 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**Sub SB 18**, AN ACT concerning law enforcement; relating to audio and video recordings; confidential and exempt from open records act.

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

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

The substitute bill passed.

**SB 73**, AN ACT concerning motor vehicles; relating to definitions; amending K.S.A. 2014 Supp. 8-126, 8-1402a and 8-1493 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 91**, AN ACT concerning oil and gas; relating to the abandoned oil and gas well fund, extension; amending K.S.A. 2014 Supp. 55-193 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice-President: I believe that the program administered by the Kansas Corporation Commission to plug abandoned oil and gas wells should be continued and support the extension of the sunset of transfers of funds to the Abandoned Oil and Gas Well Fund. I also very much support the changes for those transfers set out in this bill that replace the transfer of \$400,000 a year from the State Water Plan Fund with an increased transfer from the Conservation Fee Fund. As the legislature is not providing the statutorily mandated funds to the State Water Plan, it makes sense to stop diverting State Water Plan funds. I vote "Aye" on **SB 91**.—MARCI FRANCISCO

**SB 97**, AN ACT concerning animals; relating to contact with dangerous regulated animals; amending K.S.A. 2014 Supp. 32-1301, 32-1306 and 32-1308 and repealing the existing sections.

On roll call, the vote was: Yeas 23; Nays 17; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Donovan, Faust-Goudeau, Holmes, Kerschen, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Tyson, Wagle, Wilborn.

Nays: Baumgardner, Denning, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, King, Knox, McGinn, Olson, Pyle, Schmidt, Smith, Wolf.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Madam President: Renowned animal expert Jack Hanna, who was referenced as a supporter of **SB 97** in the debate, was not in the Natural Resources committee. However, he is on record in a newspaper article. He said, "Wild animals are just that — wild — and they can go off at any time. Something might happen some day at some zoo. We've done everything we can do to avoid it, (but) to say something will never happen again is impossible." IT will happen, and this bill would make it easier to occur. I won't be responsible for inflicting that kind of pain on a family. I know what that kind of loss feels like and I would not wish it on my worst enemy. I vote "No" on **SB 97**.—GREG SMITH

Senator Olson requests the record to show he concurs with the "Explanation of Vote" offered by Senator Smith on **SB 97**.

**SB 112**, AN ACT concerning wildlife, parks and tourism; relating to citations; amending K.S.A. 2014 Supp. 32-1049 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 113**, AN ACT concerning the department of wildlife, parks and tourism; relating to licenses, permits, stamps and other issues of the department; amending K.S.A. 2014 Supp. 32-1001 and 32-1041 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: LaTurner.

The bill passed.

**SB 126**, AN ACT concerning motor vehicles; relating to commercial driver's licenses; examination fees; commercial driver's license drive test fee fund; amending K.S.A. 2014 Supp. 8-240 and repealing the existing section.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Denning, LaTurner, Pilcher-Cook, Pyle, Tyson.

The bill passed.

**SB 127**, AN ACT concerning memorial highways; relating to signage; requiring the secretary of transportation to collect sufficient funds prior to installation; designating the 2nd Lieutenant Justin L Sisson memorial highway, the George Ablah expressway and the Kenneth W Bernard memorial highway; amending K.S.A. 68-1034 and K.S.A. 2014 Supp. 68-10,106 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: LaTurner.

The bill passed, as amended.

**SB 128**, AN ACT concerning the Kansas open records act; relating to municipal judges; city attorneys; amending K.S.A. 2014 Supp. 45-221 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-

Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 136**, AN ACT concerning school districts; relating to the professional negotiations act; amending K.S.A. 72-5423 and K.S.A. 2014 Supp. 72-5413 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 142**, AN ACT concerning programs for all-inclusive care for the elderly; amending K.S.A. 2014 Supp. 39-923 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 149**, AN ACT concerning civil commitment of sexually violent predators; amending K.S.A. 59-29a01, 59-29a03 and 59-29a10 and K.S.A. 2014 Supp. 59-2401a, 59-29a04, 59-29a04a, 59-29a05, 59-29a06, 59-29a07, 59-29a08, 59-29a11, 59-29a22, 59-29a23, 59-29a24 and 77-603 and repealing the existing sections; also repealing K.S.A. 59-29a18.

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

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

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I have heard from many constituents about concerns with the sexual predator treatment program and wondering why we are passing this measure before the Post Audit Report has been released. Upon further research, and assurance by my Chairman, this bill does not affect the measures that are remaining in the Post Audit Report to be released in April. We will have legislative opportunity to address those concerns later. I vote "Aye" on **SB 149**.—MIKE PETERSEN

**SB 154**, AN ACT concerning employment security law; relating to determination of benefits; employer classification and rates; amending K.S.A. 2014 Supp. 44-704, 44-710a and 44-757 and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Haley, Hensley, Holland.

Present and Passing: Francisco.

The bill passed, as amended.

**SB 156**, AN ACT concerning water; relating to the Arkansas river gaging fund; amending K.S.A. 2014 Supp. 74-5,133 and repealing the existing section.

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

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

Nays: McGinn, Pyle, Schmidt.

The bill passed, as amended.

**SB 157**, AN ACT concerning the revised Kansas code for care of children; relating to medicating a child; amending K.S.A. 2014 Supp. 38-2201 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Longbine, Schmidt.

The bill passed.

**SB 159**, AN ACT concerning children; enacting the safe families act; relating to when law enforcement officers shall take a child into custody; amending K.S.A. 2014 Supp. 38-2231 and repealing the existing section.

On roll call, the vote was: Yeas 30; Nays 4; Present and Passing 6; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Haley, Hensley, Holland.

Present and Passing: Francisco, Hawk, McGinn, O'Donnell, Pettey, Wolf.

The bill passed, as amended.

**SB 168**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; revenue bonds to finance a portion of unfunded actuarial liability of KPERS; requirements and procedures; employer contribution rates; amending K.S.A. 2014 Supp. 74-4914d and 74-4920 and repealing the existing sections.

On roll call, the vote was: Yeas 21; Nays 17; Present and Passing 2; Absent or Not Voting 0.

Yeas: Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, Ostmeyer, Petersen, Powell, Smith, Wagle, Wilborn.

Nays: Abrams, Arpke, Baumgardner, Faust-Goudeau, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Olson, Pettey, Pilcher-Cook, Pyle, Schmidt, Tyson, Wolf.

Present and Passing: Francisco, O'Donnell.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: Over the last several decades past legislatures have made many changes to our defined benefit retirement system, some steps forward and some back, all attempts to improve either benefits or its funding status. In more recent years we have taken some bolder steps in attempt to more aggressively tackle our long term liability; however a multi-billion dollar liability still looms for years to come. Refinancing a portion of that liability can be a beneficial tool, especially in the current rate climate, but until we ultimately get out of the business of a defined benefit model, a model that puts our taxpayers on the line insuring certain returns for some at the expense of others and can rob employees and families of access to their own retirement dollars, we will continue to “fix” things in perpetuity. Even our current fix balloons our annual SGF expenditures for KPERS to a billion dollars in a single year before any hope of trending down. I only vote for **SB 168** because I believe it’s a step in the right direction making our system more viable and increases our chances of finding a market based solution that is better for both the employees and taxpayers. I vote “Aye” on **SB 168**.—TY MASTERSON

Senators Lynn and Wagle request the record to show they concur with the "Explanation of Vote" offered by Senator Masterson on **SB 168**.

**Sub SB 171**, AN ACT concerning elections and voting; relating to certain municipalities and special districts; amending K.S.A. 2-623, 10-120, 12-138, 12-6a15, 13-1221, 19-117, 19-2760, 19-3505, 19-3507, 24-504, 25-204, 25-209, 25-210, 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, 25-2804, 25-2901, 25-3503, 68-438, 71-1408, 71-1412, 71-1413, 71-1414, 71-1419, 72-8008 and 80-2508 and K.S.A. 2014 Supp. 2-624, 12-1737, 19-15,116, 24-412, 24-414, 24-459, 24-506, 25-205, 25-213, 25-611, 25-618, 25-1122, 25-2020, 25-2102, 25-2108a, 25-2110, 25-2311, 25-3801, 42-706 and 72-6433 and repealing the existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-

1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038, 19-2762 and 71-1417.

On roll call, the vote was: Yeas 21; Nays 18; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Lynn, Masterson, Melcher, O'Donnell, Petersen, Pilcher-Cook, Powell, Smith, Tyson, Wagle.

Nays: Bowers, Faust-Goudeau, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Love, McGinn, Olson, Ostmeyer, Pettey, Pyle, Schmidt, Wilborn, Wolf.

Present and Passing: Francisco.

The substitute bill passed, as amended.

**SB 180**, AN ACT concerning health maintenance organizations; relating to the privilege fees; creating the medical assistance fee fund; amending K.S.A. 2014 Supp. 40-3213 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Pyle, Tyson.

The bill passed, as amended.

**SB 181**, AN ACT concerning restrictions of patient access to prescription-only drugs under medicaid; amending K.S.A. 2014 Supp. 39-7,119 and 39-7,120 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Tyson.

The bill passed, as amended.

**SB 183**, AN ACT concerning debtors of the state; relating to debts owed to courts; amending K.S.A. 75-6209 and K.S.A. 2014 Supp. 75-719, 75-6202, 75-6204 and 75-6210 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, 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, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Haley.

The bill passed, as amended.

**SB 189**, AN ACT concerning the Kansas veterinary practice act; relating to licensure; providing for an institutional license to practice veterinary medicine; amending K.S.A. 47-815, 47-817 and 47-829 and K.S.A. 2014 Supp. 47-822 and 47-830 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 190**, AN ACT concerning boating; relating to safety education courses, exemptions therefrom; certain sailboats; amending K.S.A. 32-1139 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 197**, AN ACT concerning attorneys; relating to the supreme court nominating commission and judicial district nominating commissions; selection of chairperson and members; applicability of open meetings act; attorney licensure and information; applicability of open records act; appointment of court of appeals judges; public information; amending K.S.A. 20-122, 20-123, 20-128, 20-130, 20-132, 20-2904 and 20-2907 and K.S.A. 2014 Supp. 7-127 and 20-3020 and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Arpke, Haley, Holland, Pettey.

Present and Passing: Francisco.

The bill passed, as amended.

**SB 206**, AN ACT concerning public agencies; relating to the state of Kansas and local units of government; providing certain powers to the attorney general for investigation of violations of the open records act and the open meetings act; open government fund; amending K.S.A. 45-223, 45-228 and 75-4320a and K.S.A. 2014 Supp. 45-222, 75-4320 and 75-4320b 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 215**, AN ACT concerning motor vehicles; relating to registration of vehicles; penalties, evidence of renewal; amending K.S.A. 2014 Supp. 8-142 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 227**, AN ACT concerning water; relating to local enhanced management areas; amending K.S.A. 2014 Supp. 82a-1041 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 228**, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; defining eligible employees as police; providing retroactive application; amending K.S.A. 2014 Supp. 74-4952 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 240**, AN ACT concerning the banking code; relating to the state bank commissioner; amending K.S.A. 9-519, 9-520, 9-536, 9-542, 9-701, 9-801, 9-802, 9-803, 9-804, 9-806, 9-808, 9-809, 9-811, 9-812, 9-901a, 9-902, 9-903, 9-904, 9-905, 9-906, 9-907, 9-908, 9-909, 9-910, 9-911, 9-912, 9-1101a, 9-1102, 9-1107, 9-1111b, 9-1112, 9-1116, 9-1119, 9-1122, 9-1123, 9-1124, 9-1125, 9-1127a, 9-1127b, 9-1127c, 9-1130, 9-1132, 9-1133, 9-1137, 9-1138, 9-1201, 9-1204, 9-1205, 9-1207, 9-1213, 9-1214, 9-1301, 9-1304, 9-1403, 9-1405, 9-1501, 9-1502, 9-1503, 9-1504, 9-1505, 9-1506, 9-1602, 9-1603, 9-1604, 9-1607, 9-1609, 9-1611, 9-1612, 9-1701, 9-1708, 9-1709, 9-1712, 9-1714, 9-1715, 9-1716, 9-1717, 9-1719, 9-1720, 9-1724, 9-1807, 9-1901, 9-1902, 9-1902a, 9-1903, 9-1905, 9-1906, 9-1907, 9-1908, 9-1909, 9-1910, 9-

1915, 9-1916, 9-2001, 9-2002, 9-2005, 9-2006, 9-2007, 9-2008, 9-2010, 9-2011, 9-2012, 9-2013, 9-2014, 9-2016, 9-2018, 9-2101, 9-2102, 9-2103 and 9-2104 and K.S.A. 2014 Supp. 9-532, 9-533, 9-534, 9-535, 9-1101, 9-1104, 9-1111, 9-1114, 9-1140, 9-1215, 9-1401, 9-1402, 9-1407, 9-1408, 9-1601, 9-1702, 9-1703, 9-1704, 9-1713, 9-1721, 9-1722, 9-1805, 9-2004, 9-2107, 9-2108, 9-2111, 39-709 and 44-314 and repealing the existing sections; also repealing K.S.A. 9-514, 9-515, 9-516, 9-517, 9-518, 9-523, 9-538, 9-539, 9-702, 9-703, 9-807, 9-810, 9-813, 9-1101b, 9-1103, 9-1105, 9-1106, 9-1108, 9-1109, 9-1110, 9-1111d, 9-1113, 9-1301a, 9-1507, 9-1605, 9-1606, 9-1608, 9-1610, 9-1705, 9-1710, 9-1711, 9-1718, 9-1723, 9-1802, 9-1803, 9-1808, 9-1904, 9-1912, 9-1914, 9-1914a, 9-2003, 9-2009, 9-2015, 9-2017 and 9-2105 and K.S.A. 2014 Supp. 9-805, 9-1118, 9-1135, 9-1139, 9-1216, 9-1303, 9-1706, 9-1707, 9-1801, 9-1804 and 9-2106.

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

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

The bill passed, as amended.

#### **CHANGE OF REFERENCE**

The Vice President withdrew **SB 141** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Federal and State Affairs**.

The Vice President withdrew **SB 170**, **SB 105**, **SB 133**, **SB 151**, **SB 59** from the Calendar under the heading of **General Orders**, and referred the bills to the Committee on **Federal and State Affairs**.

The Vice President withdrew **Sub SB 155** from the calendar under the heading of **General Orders** and referred the bill to the Committee on **Ways and Means**.

#### **TRIBUTES**

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 23 through February 26, 2015:

Senator Bowers: recognizing Eric Voss for his service to the Concordia Fire Department; congratulating Amy Gibson on her 100th Birthday;

Senator Faust-Goudeau: recognizing Ronald Blackwell, Tammy Snow, Chad Dunham, Jose Ocadiz, Steve Schowalter, Rocky Bumgarner, Tim Carr, and Matt Schulte for their service to the Wichita Fire Department; and

Senator Kelly: congratulating Wendy Madere on receiving the 2015 Horizon Award; congratulating Jessica Otradovec on receiving the 2015 Horizon Award.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 4, 2015.

# Journal of the Senate

THIRTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 4, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 38 senators present.  
Senators Faust-Goudeau and Powell were excused.  
Invocation by Father Don Davidson:

O God, you have brought us near to an innumerable company of those who have walked before us. As we move about halls of this magnificent structure, let us not forget those in whose footsteps we walk. Grant us during our earthly pilgrimage to abide in their fellowship, to honor their service with our own, to bless their work in our joy, and to continue the good work and intentions of the generations past. We pray, this dear Lord, in your name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## POINT OF PERSONAL PRIVILEGE

Senator Ostmeyer rose on a Point of Personal Privilege to announce the birth of his 19th grandchild, Jonathan Douglas Ostmeyer, who was born at 10:15 a.m. March 4, 2015, at 8 pounds, 21 inches.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 270**, AN ACT concerning income tax; relating to credits; low income students scholarship program, eligible students; amending K.S.A. 2014 Supp. 72-99a02, 72-99a03 and 72-99a04 and repealing the existing sections, by Committee on Assessment and Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2061**, **HB 2364**.

Corrections and Juvenile Justice: **HB 2106**.

Education: **Sub HB 2170**; **HB 2326**, **HB 2353**.

Ethics and Elections: **HB 2104**, **HB 2183**.

Federal and State Affairs: **HB 2228**.

Local Government: **HB 2163**.

Natural Resources: **HB 2059**, **HB 2063**, **HB 2177**, **HB 2192**, **HB 2193**.

Public Health and Welfare: **HB 2281**.

Utilities: **HB 2131, HB 2231**.

Ways and Means: **HB 2085**.

## **COMMUNICATIONS FROM STATE OFFICERS**

### **KANSAS CORPORATION COMMISSION**

March 3, 2015

Chairperson Shari Feist Albrecht submitted the 2015 Rate Impact Report.

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

## **MESSAGE FROM THE HOUSE**

Announcing passage of **Sub HB 2115; HB 2149; Sub HB 2159; HB 2225, HB 2267, HB 2275, HB 2336, HB 2352**.

Announcing adoption of **SCR 1604**.

## **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**Sub HB 2115; HB 2149; Sub HB 2159; HB 2225, HB 2267, HB 2275, HB 2336, HB 2352** were thereupon introduced and read by title.

## **REPORTS OF STANDING COMMITTEES**

Committee on **Ethics and Elections** recommends **SB 42** be amended on page 1, in line 5, after "Every" by inserting "person who is registered as a"; also in line 5, by striking "shall file"; also in line 5, after "state" by inserting "shall file"; in line 8, after "the" by inserting "lobbying"; in line 24, by striking "having the authority to levy and collect taxes"; and the bill be passed as amended.

## **REPORT ON ENGROSSED BILLS**

**SB 7, SB 28, SB 56, SB 62, SB 109, SB 214**, reported correctly engrossed, on February 25, 2015.

**SB 13, SB 45, SB 51, SB 54, SB 58, SB 70, SB 93, SB 120, SB 121, SB 124, SB 125, SB 150, SB 188** reported correctly engrossed, on February 26, 2015.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, March 5, 2015.

# Journal of the Senate

THIRTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 5, 2015, 2:30 p.m.

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

The roll was called with 37 senators present.

Senators Hawk, Kelly and Powell were excused.

The Vice President introduced the guest Chaplain, Reverend Kent Otott, Executive Director, North Central Kansas Teens For Christ, who delivered the invocation:

Our Most Gracious God, this afternoon, I want to lift up the ladies and gentlemen here today who are preparing to do business that will affect the people of the State of Kansas. The individuals in this room have been chosen by their constituents, yet ordained by You for the positions they now hold. As they prepare for the items of this day's session, we look to the Book of Romans which tells us all: "And do not be conformed to this world, but be transformed by the renewing of your mind, so that you may prove what the will of God is, that which is good and acceptable and perfect." Romans 12:2 (NASB). With that all said Father, transform the hearts and minds of these men and women to do Your will whether they acknowledge You or not. Do not allow them to be conformed to special interest groups which may harm men and women, children and families of our great State. May the words out of their mouths be those of the best interests of Kansans who went to the polls to send them to this solemn chamber. As they are in the midst of this session, I want to lift up the families of the Senators in this room along with the families of their staff. Much time is spent on the business of our great State; that it takes a heavy toll on all during this time. Comfort hearts, strengthen minds and give rest to those who are weary of this process. Before we close this prayer, may you strengthen the people of the great State of Kansas. Bless their businesses, farms, families, and those who are serving in our Armed Forces. Be with those who protect our cities, serve our citizens and teach our children. All of these things I ask in the name of Your Risen Son, Jesus Christ! 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 271**, AN ACT regulating traffic; concerning size limitations of certain vehicles; exceptions, forage cutter and custom harvester; amending K.S.A. 2014 Supp. 8-1904 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 272**, AN ACT concerning income taxation; relating to certain modifications of Kansas adjusted gross income for the net gain from Christmas trees for sale; amending

K.S.A. 2014 Supp. 79-32,117 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 273**, AN ACT concerning school districts; relating to school finance; making and concerning appropriations for the fiscal years ending June 30, 2015, June 30, 2016, and June 30, 2017, for the department of education; creating the classroom learning assuring student success act; amending K.S.A. 12-1677, 12-1775a, 72-1414, 72-6622, 72-6757, 72-8190, 72-8230, 72-8233, 72-8236, 72-8309, 72-8908, 79-2001 and 79-5105 and K.S.A. 2014 Supp. 10-1116a, 12-1770a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1923, 72-3607, 72-3711, 72-3712, 72-3715, 72-5333b, 72-6434, 72-6460, 72-64b01, 72-64c03, 72-64c05, 72-6624, 72-6625, 72-67,115, 72-7535, 72-8187, 72-8237, 72-8249, 72-8250, 72-8251, 72-8302, 72-8316, 72-8415b, 72-8804, 72-8814, as amended by section 54 of 2015 House Substitute for Senate Bill No. 4, 72-9509, 72-9609, 72-99a02, 74-32,141, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213 and 79-2925b and repealing the existing sections; also repealing K.S.A. 72-6406, 72-6408, 72-6411, 72-6415, 72-6418, 72-6419, 72-6424, 72-6427, 72-6429, 72-6432, 72-6436, 72-6437, 72-6444, 72-6446 and 72-6447 and K.S.A. 2014 Supp. 46-3401, 46-3402, 72-3716, 72-6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6415b, 72-6416, 72-6417, 72-6420, 72-6421, 72-6423, 72-6425, 72-6426, 72-6428, 72-6430, 72-6431, 72-6433, 72-6433d, 72-6434, as amended by section 38 of this act, 72-6434b, 72-6435, 72-6438, 72-6439, 72-6439a, 72-6441, 72-6441a, 72-6442b, 72-6443, 72-6445a, 72-6448, 72-6449, 72-6450, 72-6451, 72-6452, 72-6453, 72-6455, 72-6456, 72-6457, 72-6458, 72-6460, as amended by section 39 of this act, 72-6461, 72-8801a, 72-8814, as amended by section 63 of this act, 72-8814b, 72-8815 and 79-213f, by Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION No. 1605—

By Committee on Ways and Means

A PROPOSITION to amend sections 6, 7, 8 and 9 of article 11 of the constitution of the state of Kansas; concerning state debts.

*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: Sections 6, 7, 8 and 9 of article 11 of the constitution of the state of Kansas are hereby amended to read as follows:

**"§ 6. State debts; ~~annual tax; proceeds.~~** For the purpose of defraying extraordinary expenses and making public improvements, the state may contract public debts; ~~but such debts shall never, in the aggregate, exceed one million dollars, except as hereinafter provided, including, but not limited to, debts that constitute a general obligation of the state.~~ Every such debt shall be authorized by law for some purpose specified therein, and the vote of ~~a majority~~ *two-thirds* of all the members elected to each house, to be taken by the yeas and nays, shall be necessary to the passage of such law; ~~and~~ Every such law shall ~~provide for levying an annual~~ *specify the sources of tax revenue sufficient to pay the*

*principal of and interest on such debt when it shall become due and, to the extent deemed necessary by the legislature, impose a tax sufficient to pay ~~the annual such principal and interest of such debt, and the principal thereof, when it shall become due; and shall specifically appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished, until the interest and principal of such debt shall have been wholly paid.~~ The legislature shall appropriate revenues of the state to pay interest on its debt which is payable in the year for which such appropriation is made and to pay the principal of such debt, payable in such year. To the extent that insufficient revenues of the state are available to pay principal of and interest on such debt when due and payable, the first public moneys of the state thereafter received shall be set aside and applied to the payment of the principal of and interest of such debt. Borrowings by the state that are secured solely by annual appropriations at the discretion of the legislature shall not be considered debt within the meaning of this section or section 7 of this article.*

**"§ 7. Election on indebtedness.** *Except as otherwise provided in this section, no debt shall be contracted by the state ~~except as herein provided,~~ unless the proposed law for creating such debt shall first be submitted to a direct vote of the electors of the state at ~~some general~~ a statewide election; and if such proposed law shall be ratified by a majority of all the votes cast at such ~~general~~ election, then it shall be the duty of the legislature next after such election to enact such law and create such debt, subject to all the provisions and restrictions provided in the preceding section of this article. Public debt may be contracted without a vote of the electors of the state if: (a) Such debt is contracted pursuant to section 8 of this article to refund public debt contracted pursuant to section 6 of this article; or (b) except for refunding debt described in (a) of this section, such debt is contracted pursuant to sections 6 or 8 of this article and at the time of issuance of such debt, the maximum annual debt service for the current or any future fiscal year on all outstanding debt issued pursuant to sections 6 and 8 of this article, including the debt to be issued on such date, will not exceed 6% of the state revenues available for debt service in the immediately preceding fiscal year. Debt shall not be considered outstanding to the extent principal and interest payments are irrevocably provided for from a dedicated escrow established for such payments.*

**"§ 8. Borrowing money by state.** *The state may borrow money to ~~repel invasion, suppress insurrection, or defend the state in time of war; but the money thus raised, shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.~~ Refunding of state debt. The legislature may enact such additional laws, as may be necessary, permitting the state to refund any public debt contracted pursuant to section 6 of this article or any moneys borrowed by or on behalf of the state that are secured solely by annual appropriations at the discretion of the legislature without further legislative approval.*

**"§ 9. Internal improvements; state highway system; flood control; conservation or development of water resources.** The state shall never be a party in carrying on any work of internal improvement except that: (1) It may

adopt, construct, reconstruct and maintain a state system of highways, ~~but no general property tax shall ever be laid nor~~ and may issue general obligation bonds ~~issued by~~ of the state pursuant to sections 6 and 7 of this article or highway revenue bonds for such highways; (2) it may be a party to flood control works and works for the conservation or development of water resources; (3) it may, for the purpose of stimulating economic development and private sector job creation in all areas of the state, participate in the development of a capital formation system and have a limited role in such system through investment of state funds authorized in accordance with law; (4) it may be a party to any work of internal improvement, whenever any work of internal improvement not authorized by (1), (2) or (3) is once authorized by a separate bill passed by the affirmative vote of not less than two-thirds of all members then elected (or appointed) and qualified to each house, ~~but no general property tax shall ever be laid nor~~ and may issue general obligation bonds ~~be issued by the state~~ therefor pursuant to sections 6 and 7 of this article; and (5) it may expend funds received from the federal government for any public purpose in accordance with the federal law authorizing the same."

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

*"Explanatory statement.* The purpose of this amendment is to clarify and modernize the provisions of the state constitution which permit the state to contract for public debt. Under the current constitutional provisions the state may contract for public debt not to exceed one million dollars upon the approval of a majority vote of the electors of the state after the debt is authorized by a vote of a majority of all of the members in each house of the legislature. The one million dollar limitation would be eliminated and the vote in each house of the legislature changed from a majority to two-thirds of all of the members in each house of the legislature. Every law authorizing such debt would specify the sources of tax revenue sufficient to pay the principal and interest on the debt. If revenues proved insufficient to pay the principal and interest the first public moneys received thereafter would be set aside and applied to the payment of the principal and interest. Public debts could be contracted which constitute a general obligation of the state. The current provision to submit the question of approval of the debt to the electors of the state at a general election is changed to submission at a statewide election and the following exceptions to the vote of the electors of the state are made: (1) The debt is contracted to refund other public debt; or (2) the debt contracted will not exceed 6% of state revenues available for debt service. The current authorization for the state to borrow money to repel invasion, suppress insurrection or defend the state in time of war is eliminated and the legislature is authorized to enact laws allowing the state to refund any public debt without further legislative approval. The current provision prohibiting a general property tax from being laid and prohibiting the issuance of general obligation bonds for certain internal improvements is eliminated.

"A vote for this proposition would provide that debts which constitute a general obligation of the state could be incurred, that public debts in the aggregate are not limited to one million dollars, that two-thirds of all of the members of each

house of the legislature would be necessary to authorize a law for a public debt, that each such law would be required to specify the sources of tax revenue sufficient to pay the principal and interest on the debt, that if revenues proved insufficient to pay the principal and interest, the first public moneys received thereafter would be set aside and applied to the payment of the principal and interest, that the question of approval of the debt would be submitted to the electors of the state at a statewide election unless the debt is to refund public debt or will not exceed 6% of state revenues available for debt service, that the current authorization for the state to borrow money to repel invasion, suppress insurrection or defend the state in time of war is eliminated, that the legislature is authorized to enact laws allowing the state to refund any public debt without further legislative approval, that the current provision prohibiting general property tax from being laid and prohibiting the issuance of general obligation bonds for certain internal improvements is eliminated.

"A vote against this proposition would continue in effect: The current constitutional provisions relating to contracting for public debt, including the one million dollar limitation on such debt, the majority vote requirement of members of each house of the legislature for the approval of a law authorizing a public debt, the levying of an annual tax sufficient to pay the annual interest and principal of such debt and appropriations of the proceeds of such tax for such purposes, which appropriations are not to be repealed or such taxes postponed or diminished until the debt is fully paid, a direct vote of the electors on the proposed law for creating any such debt at a general election, the authorization for the state to borrow money to repel invasion, suppress insurrection or defend the state in time of war and the prohibition on the use of a general property tax and the use of general obligation bonds to fund certain internal improvements."

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 2016 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2267**.

Corrections and Juvenile Justice: **HB 2275, HB 2336**.

Financial Institutions and Insurance: **HB 2352**.

Judiciary: **Sub HB 2115, Sub HB 2159**.

Public Health and Welfare: **HB 2149, HB 2225**.

#### CHANGE OF REFERENCE

The Vice President withdrew **SB 141** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Public Health and Welfare**.

The Vice President withdrew **SB 151** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Utilities**.

The Vice President withdrew **Sub SB 155** from the Committee on **Ways and Means**, and rereferred to the calendar under the heading of **General Orders**.

The Vice President withdrew **SB 59, SB 105, SB 133, SB 170** from the Committee on **Federal and State Affairs**, and rereferred to the calendar under the heading of **General Orders**.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1721—

A RESOLUTION honoring the Seaman High School Marching Band for their performance at the Valero Alamo Bowl Pre-Game Show.

WHEREAS, The Seaman High School Band is one of the finest high school bands in Kansas, having been a representative at regional, state and national performances and competitions in Kansas City, St. Louis, New York City, and in Colorado and Florida; and

WHEREAS, The band has also traveled internationally, performing in France, Germany and Switzerland; and

WHEREAS, The Marching Vikes are led by Cary Stahly, who is in his 17<sup>th</sup> year as Seaman Band Director. Under Mr. Stahly's direction, the band has grown to become one of the largest in Kansas, with over 200 students; and

WHEREAS, Mr. Stahly has previously been recognized by the Kansas Music Educators Association as Outstanding High School Band Director of the Year; and

WHEREAS, The band is also backed by two Assistant Directors, Anna Kennedy and Emory Dease, a committed support staff and dedicated parents; and

WHEREAS, While at the Valero Alamo Bowl Band Competition in December and January, the Marching Vikes were awarded 13 trophies, including Outstanding Music, Drum Major, Effect, Percussion, Auxiliary and Marching; and

WHEREAS, Having also been awarded Sweepstakes Grand Champion, Mr. Stahly and the Seaman Band were chosen to perform the pre-game show at the Alamo Bowl Game between Kansas State University and UCLA on January 2, 2015, in front of 60,000 people. This is an outstanding achievement and deserving of recognition: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate the Seaman High School Band and Cary Stahly for their success and look forward to their continued achievements; and

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

On emergency motion of Senator Hensley **SR 1721** was adopted by voice vote.

Guests introduced included: Cary Stahly, Anna Kennedy, Jamie Andres, Frank Henderson, Mike Mathes, Jeff Zehnder, Emory Dease, Ryan Simpson, Sarah Brinkley, Ron Vinduska, Marilyn Riggsby, Darcie Guerrero, Anna Reb, David Liston, Dewayne Christensen, Danette Meinholdt, Stacy Colhour, Josie Price and Andrew Ralston.

Senators honored the guests with a standing ovation.

**COMMITTEE OF THE WHOLE**

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator LaTurner in the chair.

On motion of Senator LaTurner the following report was adopted:

**SB 6, SB 247** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 244** be amended by the adoption of the committee amendments, be further amended by motion of Senator Tyson, on page 2, in line 7, by striking "a" and inserting "the official"; in line 10, by striking the first "a" and inserting "an official"; in line 35, by striking the first "a" and inserting "the official"; in line 38, by striking "a" and inserting "an official"

**SB 244** be further amended by motion of Senator Francisco, on page 2, in line 4, by striking the second "and" and inserting a comma; also in line 4, by striking the last comma and inserting "and passes"

**SB 244** be further amended by motion of Senator Love, on page 2, in line 10, by striking all after "newspaper"; in line 11, by striking "circulation therein" and inserting "in each county which contains at least 5% of the total appraised value of the real property in that municipality and in each county in which 15% of the total appraised value in the county is subject to the tax" and **SB 244** be passed as further amended.

**REPORTS OF STANDING COMMITTEES**

Committee on **Corrections and Juvenile Justice** recommends **HB 2053**, as amended by House Committee of the Whole, be amended on page 2, in line 38, after "scored." by inserting "Prior misdemeanors for offenses that were committed before July 1, 1993, shall be scored as a person or nonperson crime using an existing comparable offense under the Kansas criminal code.";

On page 1, in the title, in line 2, by striking "correction of sentence;"; and the bill be passed as amended.

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

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

By the Governor:

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

Samantha Angell, to fill a term expiring on January 15, 2018

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

Jeffrey Leiker, to fill a term expiring on January 15, 2018

Court of Appeals, Judge: K.S.A. 20-3020

Kathryn A. Gardner, to fill a term expiring on January 9, 2017

On motion of Senator Bruce, the Senate recessed until the sound of the gavel for the purpose of introduction of bills under that order of business.

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

On motion of Senator Bruce, the Senate adjourned pro forma until 8:00 a.m., March 6, 2015.

# Journal of the Senate

THIRTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, March 6, 2015, 8:00 a.m.

The Senate was called to order pro forma by President Susan Wagle.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 270, SB 272.**

Financial Institutions and Insurance: **SCR 1605.**

Transportation: **SB 271.**

Ways and Means: **SB 273.**

## TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of March 4 through March 6, 2015:

Senator Baumgardner: recognizing Brandi Feehan on earning the Girl Scout Gold Award;

Senator Bowers: congratulating Susan Zimmerman on her 100th Birthday;

Senator Haley: congratulating Rose Bryant on her 80th Birthday; and

Senator McGinn: congratulating Benjamin Close on winning first place at the 2015 Bookmark Art Contest.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, March 9, 2015.

# Journal of the Senate

THIRTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 9, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 38 senators present.  
Senators Ostmeyer and Pilcher-Cook were excused.  
Invocation by Father Don Davidson:

Dear Lord, sometimes it is much easier to see the stones, the arrows, and the boulders than it is to see, hear and feel your grace. When we feel surrounded, help us to center our hearts on the doing of your will, on the wonder of your presence and the mystery of your unconditional love. No power on earth can ever come close to your power of love. In your name we pray. Amen

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

## POINT OF PERSONAL PRIVILEGE

Senator Love rose on a Point of Personal Privilege to thank two individuals for their many years of hard work on behalf of thousands of farmers and ranchers from throughout the state: Dee Likes, on a tremendous career serving as the CEO of the Kansas Livestock Association for 30 years, and Steve Baccus, on his retirement from his successful career as President of Kansas Farm Bureau for 12 years.

Senators honored the guests with a standing ovation.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 274**, AN ACT relating to motor vehicles; concerning the use of safety belts; establishing the seat belt safety fund; amending K.S.A. 2014 Supp. 8-2504, 12-4120 and 74-7336 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 275**, AN ACT concerning water; relating to water conservation areas, by Committee on Ways and Means.

**SB 276**, AN ACT concerning corporations and business entities; relating to business filings with the secretary of state; limited liability companies; amending K.S.A. 17-6601, 17-6602, 17-7002, 56-1a152 and 56-1a153 and K.S.A. 2014 Supp. 17-7673, 17-7674, 17-7675, 17-7677, 17-7680, 17-7681, 17-76,128, 17-76,143, 17-76,146, 17-7910, 17-7912, 17-7916, 17-7918, 17-7931, 17-7932, 17-7933, 17-7934 and 17-7937 and repealing the existing sections; also repealing K.S.A. 17-7304, 17-7308 and 56-1a508

and K.S.A. 2014 Supp. 17-7664, 17-7666, 17-7673a, 17-7674a, 17-7676, 17-7677a, 17-7678, 17-7683, 17-76,121, 17-76,121a, 17-76,122, 17-76,123, 17-76,124, 17-76,125, 17-76,127 and 56-1a156, by Committee on Ways and Means.

## COMMUNICATIONS FROM STATE OFFICERS

### DEPARTMENT OF HEALTH AND ENVIRONMENT

March 9, 2015

Chair Randy Peterson submitted the 2015 report from the Health Care Access Improvement Panel.

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

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 6**, AN ACT concerning the division of post audit; relating to background checks; amending K.S.A. 2014 Supp. 46-1103 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Ostmeyer, Pilcher-Cook.

The bill passed, as amended.

**SB 244**, AN ACT concerning municipalities; relating to approval of budgets; requiring certain notifications; amending K.S.A. 79-2929 and K.S.A. 2014 Supp. 79-2925b 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Ostmeyer, Pilcher-Cook.

The bill passed, as amended.

**SB 247**, AN ACT concerning municipal audits; relating to audit procedures; amending K.S.A. 75-1120a, 75-1121 and 75-1123 and K.S.A. 2014 Supp. 75-1122 and 75-1124 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Powell, Pyle, Schmidt, Smith, Tyson, Wagle,

Wilborn, Wolf.

Absent or Not Voting: Ostmeyer, Pilcher-Cook.

The bill passed, as amended.

**REPORT ON ENROLLED BILLS**

**SCR 1604** reported correctly enrolled, properly signed and presented to the Secretary of State on March 9, 2015.

**SR 1721** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 9, 2015.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, March 10, 2015.

# Journal of the Senate

THIRTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 10, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 39 senators present.  
Senator Pilcher-Cook was excused.  
Invocation by Father Don Davidson:

Recently departed actor and comedian Robin Williams said, "I used to think the worst in life is to end up all alone. It's not. The worst thing in life is to end up with people who make you feel all alone." The truth is Lord we need each other, we are not made to be alone and no human disagreement should out-rank the divine commandment to love. Our humanity is based on our ability to show compassion and caring no matter what. Let us strive first to care and then begin the work that must be done. 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 277**, AN ACT concerning alcoholic beverages; relating to microbreweries; permitting the manufacture and sale of hard cider and mead; amending K.S.A. 2014 Supp. 41-102 and 41-308b and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 278**, AN ACT designating Cowley county the official stone bridge capital of Kansas, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 276**.

Natural Resources: **SB 275**.

Transportation: **SB 274**.

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Holland, Abrams, Arpke, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Kelly, Longbine, Love, McGinn, O'Donnell, Ostmeyer, Petersen, Petty and Schmidt introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1722—

A RESOLUTION recognizing the Kansas Small Business  
Development Center's 2015 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (KSBDC) is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting, training and resources; and

WHEREAS, The KSBDC regional directors and staff select eight Emerging Business of the Year award recipients and eight Existing Business of the Year award recipients; and

WHEREAS, The Kansas Small Business Development Center's Business of the Year awards are designed to recognize KSBDC clients for superior performance; and

WHEREAS, Business of the Year award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and impact based on the KSBDC Economic Impact Tracking spreadsheet, a record of profitability and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2015 KSBDC Existing Businesses of the Year are: Advanced Systems Homes, Inc. in Chanute, Kansas, owned by Darin Luebbering; CS Gas, Inc. in Atwood, Kansas, owned by Karen Horinek; Enhanced HomeCare, LLC in Overland Park, Kansas, owned by Randy Block and Cindy Singer; Garden City Propane, LLC in Garden City, Kansas, owned by Dennis and Risa DeVaney; Leading Edge Aerospace, LLC in Wichita, Kansas, owned by Stan Unruh; McDonald Marketing in Bonner Springs, Kansas, owned by Brad and Kathy McDonald; The Merchant in Topeka, Kansas, owned by Lisa Boyd; and The Walters' Farm in Burns, Kansas, owned by Becky and Carroll Walters; and

WHEREAS, The 2015 KSBDC Emerging Businesses of the Year are: Art in Iron in Garnett, Kansas, owned by Mike Hill; Cat Clinic of Lawrence in Lawrence, Kansas, owned by Dr. Jennifer O'Driscoll; Flint Hills Music in Emporia, Kansas, owned by Thomas Silkman; Kansas Regenerative Medicine Center in Manhattan, Kansas, owned by John Farley; Kingsbury Service in Smith Center, Kansas, owned by Marty and Rhett Kingsbury; ReJuvv' Spa in Winfield, Kansas, owned by Tracie Gordon; Velo + Maps Coffee in Lenexa, Kansas, owned by Vincent Rodriguez; and Women's Specialist of Liberal, PA in Liberal, Kansas, owned by Dr. Lamberto Flores; 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 2015 Emerging and Existing Businesses of the Year and wish all of them and the KSBDC continued success in the future; and

*Be it further resolved:* That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1722** was adopted by voice vote.

Senators honored recipients of the award with a standing ovation.

Senators Faust-Goudeau and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1723—

A RESOLUTION designating March 10, 2015, as Kansas TRIO Day.

WHEREAS, TRIO programs are federal outreach and student services programs designed to identify and provide services for individuals from disadvantaged backgrounds. TRIO includes eight programs targeted to serve and assist low income individuals, first generation undergraduate students and individuals with disabilities to complete high school and continue their education at a college, technical or vocational institution; and

WHEREAS, The TRIO programs are designed to help students address educational discrepancies. They provide educational information, counseling, academic instruction, tutoring, assistance in applying for financial aid and supportive encouragement to both students and their families. While student financial aid programs help students overcome financial barriers to higher education, TRIO programs help students overcome class, social and cultural barriers to higher education; and

WHEREAS, More than 2,700 TRIO programs currently serve nearly 866,000 low income Americans. Many programs service students in grades six through 12. Twenty-two thousand students with disabilities and more than 25,000 U.S. veterans are currently enrolled in TRIO programs; and

WHEREAS, Students enrolled in today's TRIO programs mirror our nation's multicultural and multi-ethnic society. Thirty-seven percent of TRIO students are white, 35% are African-American, 19% are Hispanic, 4% are Native American, 4% are Asian-American, and 1% are listed as "other," including multiracial students; and

WHEREAS, The state of Kansas proudly hosts 45 TRIO programs that serve 12,259 low income individuals, first generation undergraduate students, clients and veterans. There are also 192 professionals that work for the TRIO programs in Kansas. In order to more effectively serve our students, TRIO programs have developed over 270 non-TRIO-related educational collaborations that target elementary, middle and high schools throughout the state of Kansas. In total, Kansas TRIO programs have secured \$12,413,166 in federal funding; and

WHEREAS, There are 19 host institutions of higher education in Kansas. Many of these host institutions have multiple TRIO grant awards to serve their student, client and veteran populations: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we designate March 10, 2015, as Kansas TRIO Day and recognize the importance of TRIO programs in helping all Kansans achieve the American dream; and

*Be it further resolved:* That the Secretary of the Senate shall send one enrolled copy of this resolution to Senator Faust-Goudeau; Senator Haley; Mike Conley, Coordinator of the University of Kansas Upward Bound Program and President of the MO-KAN-NE Board of Directors; Kaye Monk Morgan, President of Mid-American Association of Educational Opportunity Program Personnel; Deltha Colvin, Associate Vice-President for Campus Life and University Relations, Special Programs at Wichita State University and former President of The Mid-America Association of Educational Opportunity Program Personnel; Ngondi Kamatuka, Director of the Center for Educational Opportunity Program at the University of Kansas; Dr. Mildred Edwards,

Executive Director of the Kansas African American Affairs Commission; Patrick Woods, Chair of the Kansas African American Affairs Commission; Lydia Santiago; Shukura Bakari-Cozart; Herecilia Thompson; Dr. Wade Robinson; Mulubrhan Negash; Maritza Machado-Williams; Rebecca Dukstein and Francis Irving.

On emergency motion of Senator Faust-Goudeau **SR 1723** was adopted by voice vote.

Guests introduced included Mildred Edwards, James Barfield, Lydia Santiago, Shukura Bakari-Cozari, Deltha Colvin, Herecilia Thompson, Wade Robinson, Mulubrhan Negash, Maritza Machado-Williams, Rebecca Dukstein, Mike Conley, Carly Cooper, Absulaziz Abdulazia, Lisa Wills and Ladonna Williams.

Senators honored the guests with a standing ovation.

### REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **HB 2006**, as amended by House Committee, be amended on page 2, in line 10, after the semicolon by inserting "or"; 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 Schmidt in the chair.

On motion of Senator Schmidt the following report was adopted:

**SB 105** be passed.

**SB 59** be amended by the adoption of the committee amendments, and the bill be passed as amended.

The committee report on **SB 131** recommending **Sub SB 131** be adopted, and the substitute bill be passed.

The committee report on **SB 216** recommending **Sub SB 216** be adopted, be further amended by motion of Senator Smith, on page 3, in line 15, by striking all after the period; by striking all in line 16; in line 17, by striking all before "Each"

**Sub SB 216** be further amended by motion of Senator Pettey, on page 1, in line 27, by striking the first "of" and inserting ", 2016, and"; also in line 27, after "year" by inserting "thereafter"

**Sub SB 216** be further amended by motion of Senator Pettey, on page 3, in line 29, by striking "seven" and inserting "four and **Sub SB 216** be passed as amended.

A motion by Senator Pettey to further amend **Sub SB 216** failed.

**HB 2053** be amended by the adoption of the committee amendments, be further amended by motion of Senator King, on page 2, in line 8, by striking "an existing" and inserting "a"; in line 9, after "code" by inserting "in effect on the date the current crime of conviction was committed"; in line 15, by striking "an existing" and inserting "a"; in line 16, after "code" by inserting "in effect on the date the current crime of conviction was committed"; in line 42, by striking "an existing" and inserting "a"; in line 43, after "code" by inserting "in effect on the date the current crime of conviction was committed";

On page 4, in line 30, by striking "existing" and inserting a comma; in line 31, after "code" by inserting "in effect on the date the current crime of conviction was committed"; in line 32, by striking "an existing" and inserting "a"; also in line 32, after

"offense" by inserting "in effect on the date the current crime of conviction was committed" and **HB 2053** be passed as further amended.

**REPORT ON ENGROSSED BILLS**

**SB 6, SB 244, SB 247** reported correctly engrossed, on March 9, 2015.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 11, 2015.

# Journal of the Senate

THIRTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 11, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

The President introduced the guest Chaplain, Reverend Kent Little, College Hill United Methodist Church, Wichita, who delivered the invocation:

God of Unity and Grace, we are a broad and eclectic state; diverse of thought and philosophy; orientation, age; gender, housed and un-housed, black-white, brown-golden hue, Muslim, Christian, Jew, Hindu, Buddhist, Atheist, and Agnostic, and yet we strive to be ONE citizenry of Kansas, to live in peace with our brothers and sisters whose lives and livelihoods ALL matter. Strengthen our leaders, inspire their hearts and minds, draw us forward into a new day and a better future. Share your wisdom, compassion, renewal and grace, so the leaders of our great State of Kansas might indeed be a light upon a hill and work for the common good of all. It is in your Presence we pause here and now. 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:

Federal and State Affairs: **SB 277, SB 278**

## CHANGE OF REFERENCE

The President withdrew **HB 2101** from the Committee on **Judiciary**, and referred the bill to the **Select Committee on KPERS**.

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1724—

A RESOLUTION congratulating and commending  
Garden City Community College for being named College of the Year  
for 2014 by the Rural Community College Alliance.

WHEREAS, Garden City Community College, Garden City, Kansas, has been honored as College of the Year for 2014 by the Rural Community College Alliance. Rural Community College Alliance serves as the voice and the national organization for

the nation's 600 rural community and technical colleges. At the recognition ceremony for Garden City Community College, which was held on February 11, 2015, in the U.S. Department of Agriculture building in Washington D.C., U.S. Senator Pat Roberts and U.S. Representative Tim Huelskamp presented the award to Dr. Herbert Swender, President of Garden City Community College; and

WHEREAS, Garden City Community College was selected as the rural college of the year due to its excellence in economic and workforce development, student achievement, financial management, entrepreneurship, student services and impact to the community. In addition, the award was given in honor of Garden City Community College's contribution toward the Pell Grant studies for Kansas and rural America. This is the first study conducted that measured the impact of Pell Grants in rural America; and

WHEREAS, Garden City Community College was established in 1919 and is the longest-serving community college in Kansas. It experienced the largest enrollment increase in Kansas for community colleges in 2014 with a 7% increase; and

WHEREAS, Garden City Community College has earned many accolades over the past three years. It was named to Aspen Institute's top 10% of community colleges in America for 2015, ranked among the top 24 community colleges in the nation by CNN Money Magazine, named "Military Friendly" in 2014 by Military Advanced Education for the third year in a row and was ranked 13<sup>th</sup> by affordablecolleges.com in its list of the 50 most affordable community colleges in America: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Garden City Community College for being named College of the Year for 2014 by the Rural Community College Alliance. Garden City Community College serves as an example and a model to rural colleges across the United States for its excellence in all areas of operation; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Powell.

On emergency motion of Senator Powell **SR 1724** was adopted by voice vote.

Guests introduced included: Dr. Herbert Swender, Dr. Joel Erskin, Debra Atkinson, Tori Dreyer, Dr. Lesta Swender, Patrick Swender, Debbie Askinson, Bob Murray and Melvin Neufeld.

Senators honored the guests with a standing ovation.

## **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 **Judiciary**.

*State Board of Indigents Defense Services:*

Samantha Angell, Term ends January 15, 2018

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

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

Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*State Board of Indigents Defense Services:*

Jeffrey Leiker, Term ends January 15, 2018

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

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

The appointment was confirmed.

*Kansas Court of Appeals:*

Kathryn Gardner

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, King, Pettey.

The appointment was confirmed.

#### EXPLANATION OF VOTE

Madam President: I vote “No” on the confirmation of Kathryn Gardner to the Kansas Court of Appeals. As the only attorney in the Senate Democratic Caucus (one of but three in our entire Senate) and as Ranking Member of the Senate Judiciary Committee for over a decade and a half, Ms. Gardner constitutes my second confirmation hearing (the first being that of Caleb Stegall) and, now, my second “No” vote since Kansas changed from merit selection to the direct appointment of Court of Appeals justices. Ms. Gardner performed extremely well during the confirmation hearings: alert, adroit, articulate, her composure and demeanor impeccable, her intellect and knowledge of the law, undeniable. She will, potentially, serve well as a Court of Appeals justice. It chagrins me to have to continue to oppose confirmation of good people who are evidently far better versed and proficient in the substance and procedure of the law and of our legal system than I can ever hope to be. But to illustrate my lingering concern, I paraphrase a question asked of the nominee during the hearing, to wit: “(Ms. Gardner) of all of the qualified applicants for this position including sitting judges and several attorneys who have practiced before the appellate and supreme courts for years...as a law clerk, albeit an accomplished one...why you?” A ringing troubling question, indeed, Madam President. Again, due to the questions this process continues to perpetuate, I vote “No” on her appointment.—DAVID HALEY

Madam President: I vote “No” on the confirmation of Kathryn Gardner. In 2005, then-Senator Sam Brownback opposed the nomination of Harriet Miers by President Bush because she didn’t “have a track record” and didn’t “seem to be well-formed in

her judicial philosophy, having never been on the bench.” Eighteen months ago, Governor Brownback nominated his own chief counsel, with no track record or judicial experience, to the Kansas Court of Appeals. On January 29th, Brownback placed another nomination to the Kansas Court of Appeals with no track record or judicial experience. These flawed candidates are the product of the federal model for the selection of judicial appointments. Governor Brownback criticized its results in 2005, and I criticized its results in 2013 and now again in 2015. Merit based selection of judicial appointments ensures qualified candidates for our judiciary. The federal model ensures partisan allies. For these reasons, I vote “No.”—ANTHONY HENSLEY

Senators Haley, Hawk, Holland and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on the Gardner appointment.

Madam President: Context is important when quoting someone. Quotes of then-Senator Brownback stating that a judicial nominee had no “paper trail” used by some to describe the background of Kathryn Gardner as a nominee for Judge, Kansas Court of Appeals, have no context. The nominee Senator Brownback was describing, Harriet Miers, had no paper trail save documents concerning her time on the Texas Lottery Commission and some thank you notes she had written. Kathryn Gardner has an impeccable paper trail from her work in the federal courts, is well versed in the law, and demonstrated grace under fire in the two-day confirmation hearing. She answered all questions and explained her judicial philosophy to the committee. I heard not one dissenting vote when the committee recommended her for confirmation. I vote “Aye” on the Gardner appointment.—GREG SMITH

Senator Lynn requests the record to show she concurs with the "Explanation of Vote" offered by Senator Smith on the Gardner appointment.

### **FINAL ACTION ON CONSENT CALENDAR**

**SB 252** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

**SB 252**, AN ACT concerning crimes and punishment; relating to unlawful abuse of toxic vapors; amending K.S.A. 2014 Supp. 21-5712 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 59**, AN ACT concerning district magistrate judges; relating to jurisdiction; appeals; amending K.S.A. 2014 Supp. 20-302b 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 105**, AN ACT concerning the uniform interstate family support act; amending K.S.A. 2014 Supp. 23-36,101, 23-36,102, 23-36,103, 23-36,201, 23-36,202, 23-36,203, 23-36,204, 23-36,205, 23-36,206, 23-36,207, 23-36,208, 23-36,209, 23-36,301, 23-36,303, 23-36,304, 23-36,305, 23-36,306, 23-36,307, 23-36,308, 23-36,310, 23-36,311, 23-36,312, 23-36,313, 23-36,314, 23-36,316, 23-36,317, 23-36,318, 23-36,319, 23-36,401, 23-36,501, 23-36,502, 23-36,503, 23-36,504, 23-36,505, 23-36,506, 23-36,507, 23-36,601, 23-36,602, 23-36,603, 23-36,604, 23-36,605, 23-36,606, 23-36,607, 23-36,608, 23-36,609, 23-36,610, 23-36,611, 23-36,612, 23-36,613, 23-36,701, 23-36,801, 23-36,802, 23-36,901 and 23-36,902 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**Sub SB 131**, AN ACT concerning public safety; relating to peer support counseling sessions; emergency services personnel and law enforcement personnel; amending K.S.A. 22-2202 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**Sub SB 216**, AN ACT concerning school districts; creating the Kansas school security act; also repealing K.S.A. 72-89b01, 72-89b02, 72-89b03, 72-89b04 and 72-89b05, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Pettey.

The bill passed, as amended.

## EXPLANATION OF VOTE

Madam President: This bill is a waste of taxpayer money. The State of Kansas has a School Safety and Security Act. This bill is redundant and requires additional non-instructional time, personnel and expense. Our Kansas school boards are committed to school safety. They live in the school districts in which they are elected and they know their school needs best. This is an alleged crime reporting bill not a safety bill. It requires a list of all policies and plans concerning school security not only be provided to every student, parent and employee, but to any visitor that requests one. That visitor now has the tools to be a future threat to the school's safety. This bill is a wolf in sheep clothing. I vote "No" on **SB 216**.—PAT PETTEY

Senator Kelly requests the record to show she concurs with the "Explanation of Vote" offered by Senator Pettey on **SB 216**.

**HB 2053**, AN ACT concerning crimes, punishment and criminal procedure; relating to calculation of criminal history; amending K.S.A. 2014 Supp. 21-6810 and 21-6811 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

## REPORTS OF STANDING COMMITTEES

The Committee on **Judiciary** recommends **SB 175** be passed.

Also, recommends **HB 2023** be passed.

**HB 2025** be amended on page 2, in line 25, after "recordings" by inserting a comma; and the bill be passed as amended.

The Committee on **Ways and Means** recommends **SB 193**, (Corrected), be amended on page 1, in line 14, by striking "required"; following line 18, by inserting:

"(4) the aggregate degree investment incurred by an individual to obtain the degree from such postsecondary educational institution determined by subtracting the average amount of grants and scholarships awarded for such degree from the aggregate cost;"

Also on page 1, in line 33, by striking all after "fully"; in line 34, by striking all before "in" and inserting "recoup the degree investment"; in line 35, by striking "cost" and inserting "degree investment";

By redesignating paragraphs accordingly;

On page 2, in line 3, by striking "pay off the federal student loan" and inserting "recoup the degree investment"; in line 9, by striking "pay off the federal student loan" and inserting "recoup the degree investment";

By striking all on page 3 and inserting:



as the "office of information technology services." The budget estimates and requests of such office shall be presented as from a state agency separate from the department of administration, and such separation shall be maintained in the budget documents and reports prepared by the director of the budget and the governor, or either of them, including all related legislative reports and measures submitted to the legislature.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the legislative post audit act" and inserting "information technology; relating to the office of information technology services"; and the bill be passed as amended.

#### **STRICKEN FROM THE CALENDAR**

On motion of Senator Bruce, the following bills were stricken from the Calendar under the heading of General Orders: **SB 5, SB 10, SB 68, SB 82, SB 148.**

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, March 12, 2015.

# Journal of the Senate

FORTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 12, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

For some of us, O Lord, the spring means one thing above all others, the sound of the umpires calling out balls and strikes and that unmistakable crack when a pitched ball is belted high and far into the outfield. There is a great joy with the potential of a new season watching the youngest players to the oldest of veterans. We all believe that this will be the year. Give us moments of hope, for with hope and your Grace nothing is impossible. Thank you, O Lord. 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 279**, AN ACT concerning a convention of the states under article V of the United States constitution; prescribing the appointment and qualifications of delegates; the duties and responsibilities thereof; instruction thereof by the legislature, by Committee on Assessment and Taxation.

**SB 280**, AN ACT concerning sales taxation; relating to countywide retailers' sales tax, authority for Thomas county; amending K.S.A. 2014 Supp. 12-187 and 12-189 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 281**, AN ACT concerning sales taxation; providing for sales tax exemption for certain mobility enhancing equipment; amending K.S.A. 2014 Supp. 79-3606 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 282**, AN ACT exempting the state of Kansas from daylight saving time, by Committee on Ways and Means.

**SB 283**, AN ACT concerning STAR bonds; relating to economic impact studies; base year assessed valuation for additions of area to project districts; financing an excess of approved amounts; amending K.S.A. 2014 Supp. 12-17,162, 12-17,164, 12-17,166, 12-17,168 and 12-17,171 and repealing the existing sections, by Committee on Ways and Means.

**SB 284**, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; enacting the Kansas deferred retirement option program act; providing terms, conditions, requirements, benefits and contributions

related thereto; relating to member election; eligible employer affiliation; interest credits; account distribution, by Committee on Ways and Means.

#### CHANGE OF REFERENCE

The Vice President withdrew **SB 203** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Judiciary**.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2135**, **HB 2197**, **HB 2246**.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2135**, **HB 2197**, **HB 2246** were thereupon introduced and read by title.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators O'Donnell, Donovan, Faust-Goudeau, Kerschen, Masterson, McGinn, Melcher, Petersen and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1725—

A RESOLUTION commemorating the 90<sup>th</sup> Anniversary  
of the Junior League of Wichita.

WHEREAS, The Junior League of Wichita is an organization of women committed to promoting volunteerism, developing the potential of women and improving communities; and

WHEREAS, The Junior League of Wichita was founded on January 15, 1925, and has devotedly served Wichita continuously for the past 90 years; and

WHEREAS, The Junior League of Wichita reaches out to women of all races, religions and national origins who demonstrate an interest in and a commitment to volunteerism; and

WHEREAS, The Junior League of Wichita has always focused on the current needs of its community and today focuses on combating child abuse through awareness, prevention and intervention; and

WHEREAS, The nearly 800 members of the Junior League of Wichita give generously of their time and talents to volunteer in many areas of this community: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commend and celebrate the 90<sup>th</sup> Anniversary of the Junior League of Wichita. We hope that all Kansans will celebrate and be inspired by its many accomplishments and hopeful determination so that its successes can be replicated where possible throughout the State of Kansas; and

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

On emergency motion of Senator O'Donnell **SR 1725** was adopted by voice vote.

Guests present included: Patty Armstrong, Denise Bandemer, Trinh Bui, Julie Buth, Megan Camille Dillehay, Macaela Harris, Melissa Hebb, Charissa Jarboe Gale, Martha Linsner, Cindy Miles, Jessica Strog, Jessica Suhr, Kathy Sweeney, Tina Trooper, Jeanette Clement, Kelly Bryant, Prisca Barnes.

Senators honored the guests with a standing ovation.

### REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2056** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2056," as follows:

"Senate Substitute for HOUSE BILL No. 2056

By Committee on Corrections and Juvenile Justice

"AN ACT concerning bail enforcement agents; relating to licensure by the attorney general; sureties and bail agents; amending K.S.A. 2014 Supp. 22-2809a and repealing the existing section.";

And the substitute bill be passed.

Also, recommends **HB 2051** be amended on page 3, in line 22, after "(f)" by inserting "The state of Kansas, the secretary of corrections and the secretary's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission in making the good time and program credit calculations authorized by this section.

(g)";

Also on page 3, in line 23, after "by" by inserting "the amendments to"; also in line 23, after "section" by inserting "by this act";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also, on page 3, following line 26, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 75-5291 is hereby amended to read as follows: 75-5291. (a) (1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services that address the criminogenic needs of felony offenders including, but not limited to, adult intensive supervision, substance abuse and mental health services, employment and residential services, and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127, and amendments thereto.

(2) Except as otherwise provided, placement of offenders in a community correctional services program by the court shall be limited to placement of adult offenders, convicted of a felony offense:

(A) ~~Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-C, 3-D, 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes for crimes committed prior to July 1, 2012, or in grid blocks 4-C, 4-D, 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes for crimes committed on or after July 1, 2012. In addition, the court may place in a community correctional services program adult offenders, convicted of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for nondrug crimes~~ Who, on or after July 1, 2014, are determined to be moderate risk, high risk or very high risk by use of a statewide, mandatory, standardized risk assessment tool or instrument which shall be specified by the Kansas sentencing commission;

(B) whose severity level and criminal history score designate a presumptive prison sentence on either sentencing guidelines grid but receive a nonprison sentence as a result of departure;

(C) all offenders convicted of an offense which satisfies the definition of offender pursuant to K.S.A. 22-4902, and amendments thereto, and which is classified as a severity level 7 or higher offense and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed;

(D) any offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in the offender being required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections;

~~(E) on and after January 1, 2011, for offenders who are expected to be subject to supervision in Kansas, who are determined to be "high risk or needs, or both" by the use of a statewide, mandatory, standardized risk assessment tool or instrument which shall be specified by the Kansas sentencing commission;~~

~~(F)~~ (E) placed in a community correctional services program as a condition of supervision following the successful completion of a conservation camp program;

~~(G)~~ (F) who have been sentenced to community corrections supervision pursuant to K.S.A. 21-4729, prior to its repeal, or K.S.A. 2014 Supp. 21-6824, and amendments thereto; or

~~(H)~~ (G) who have been placed in a community correctional services program for supervision by the court pursuant to K.S.A. 8-1567, and amendments thereto.

(3) Notwithstanding any law to the contrary and subject to the availability of funding therefor, adult offenders sentenced to community supervision in Johnson county for felony crimes that occurred on or after July 1, 2002, but before July 1, 2013, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10<sup>th</sup> judicial district. The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this paragraph shall expire on July 1, 2013.

(4) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.

(5) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert

offenders from prison.

(2) The secretary shall appoint one member from the southeast community corrections region, one member from the northeast community corrections region, one member from the central community corrections region and one member from the western community corrections region. The deputy secretary of community and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.

(3) Each member shall be appointed for a term of three years and such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.

(4) The committee, in collaboration with the deputy secretary of community and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:

- (A) Efficiencies in the delivery of field supervision services;
- (B) effectiveness and enhancement of existing interventions;
- (C) identification of new interventions; and
- (D) statewide performance indicators.

(5) The committee's report concerning enhanced or new interventions shall address:

- (A) Goals and measurable objectives;
- (B) projected costs;
- (C) the impact on public safety; and
- (D) the evaluation process.

(6) The committee shall submit its report to the secretary annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget request for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.";

Also on page 3, in line 27, by striking "is" and inserting "and 75-5291 are"; in line 29, by striking all before "its"; also in line 29, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "credits;" by inserting "community corrections; use of risk assessment tool;"; in line 3, after "21-6821" by inserting "and 75-5291"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2090** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2090," as follows:

"Senate Substitute for HOUSE BILL No. 2090

By Committee on Transportation

"AN ACT concerning motor vehicles; relating to registration; decals for license plates, serial numbers; apportioned fleet registration, mileage applications, fees and calculations; permanent registration of certain vehicles, annual report; amending K.S.A. 8-1,107 and K.S.A. 2014 Supp. 8-134 and 8-1,134 and repealing the existing sections.";

And the substitute bill be passed.

Also, recommends **HB 2044**, as amended by House Committee, be amended on page 9, following line 37, by inserting:

"Sec. 8. K.S.A. 2014 Supp. 8-2503 is hereby amended to read as follows: 8-2503.

(a) Except as provided in subsection (b):

(1) Each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 or an autocycle, who is 18 years of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion; and

(2) each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 or an autocycle, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.

(b) This section does not apply to:

(1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;

(2) carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes; or

(3) newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes.

(c) The secretary of transportation shall initiate an educational program designed to encourage compliance with the safety belt usage provisions of this act.

(d) The secretary shall evaluate the effectiveness of this act and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits under 23 U.S.C. § 402.

(e) Law enforcement officers shall not stop drivers for violations of subsection (a) (1) by a back seat occupant in the absence of another violation of law. A citation for violation of subsection (a)(1) by a back seat occupant shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.";

And by renumbering sections accordingly;

Also on page 9, in line 39, by striking "and" and inserting a comma; also in line 39, after "8-1598" by inserting "and 8-2503";

On page 1, in the title, in line 1, after "definitions;" by inserting "safety belts;"; in line 3, after "8-1486" by striking "and" and inserting a comma; also in line 3, after "8-1598" by inserting "and 8-2503"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, March 13, 2015.

# Journal of the Senate

FORTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, March 13, 2015, 8:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll call was called with 25 senators present.

Senators Haley, Hensley, Holland, Holmes, King, LaTurner, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Ostmeyer, Smith and Wolf were excused.

Invocation by Father Don Davidson:

Almighty God, whose truth makes us free: We bless your Name for the witness and work of the clerks and secretary of this Senate. Each day, sometimes until the wee hours, this group of dedicated servants make sure that what is accomplished here is recorded correctly, transmitted efficiently and saved intentionally for generations to come. We all serve the people of our state, yet it seems fitting that we pause and thank our clerks and secretary for all they do. 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 285**, AN ACT concerning certain licensees of the state board of healing arts; resident active license; access to health care records; amending K.S.A. 65-2811a, 65-2852, as amended by section 21 of chapter 131 of the 2014 Session Laws of Kansas, 65-2857, as amended by section 22 of chapter 131 of the 2014 Session Laws of Kansas, 65-2860, as amended by section 24 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a02, as amended by section 42 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a08, as amended by section 47 of chapter 131 of the 2014 Session Laws of Kansas, 65-4941 and 65-4942 and K.S.A. 2013 Supp. 65-1626, as amended by section 4 of chapter 131 of the 2014 Session Laws of Kansas, 65-2809, as amended by section 7 of chapter 131 of the 2014 Session Laws of Kansas, 65-2836, as amended by section 10 of chapter 131 of the 2014 Session Laws of Kansas, 65-2895, as amended by section 36 of chapter 131 of the 2014 Session Laws of Kansas, 65-28,127, as amended by section 40 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a03, as amended by section 43 of chapter 131 of the 2014 Session Laws of Kansas, 65-4101, as amended by section 50 of chapter 131 of the 2014 Session Laws of Kansas and 72-8252, as amended by section 54 of chapter 131 of the 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 65-6824 and repealing the existing sections, by Committee on Ways and Means.

**SB 286**, AN ACT concerning income taxation; relating to eligibility for tax credits; social security numbers; amending K.S.A. 2014 Supp. 79-32,265 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 287**, AN ACT concerning income tax; relating to credits; making certain refundable credits nonrefundable for tax year 2015 and thereafter; amending K.S.A. 2014 Supp. 40-2246, 74-50,154, 74-50,208, 79-32,176a, 79-32,190, 79-32,197 and 79-32,210 and repealing the existing sections, by Committee on Assessment and Taxation.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 280**, **SB 281**.

Commerce: **SB 283**.

Federal and State Affairs: **SB 279**, **SB 282**.

Local Government: **HB 2197**, **HB 2246**.

Select Committee on KPERs: **SB 284**.

Ways and Means: **HB 2135**.

#### COMMUNICATIONS FROM STATE OFFICERS

OFFICE OF THE ATTORNEY GENERAL

March 12, 2015

Kansas Attorney General Derek Schmidt submitted the 2014 Crime Victims Compensation Board Annual Report.

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

#### MESSAGE FROM THE HOUSE

Announcing passage of **SB 46**.

Announcing passage of **SB 7**, as amended by **House Substitute for SB 7**.

#### REPORTS OF STANDING COMMITTEES

Committee on **Utilities** recommends **SB 246** be amended on page 1, in line 30, by striking all after "if"; by striking all in lines 31 through 33; in line 34, by striking all before the period and inserting "a new lease or a renewal or extension of an existing lease is for less than 20% of the square footage of the entire building subject to the lease or the leased space does not have a heating or cooling system"; and the bill be passed as amended.

Also, **HB 2231** be amended on page 2, in line 1, by striking all after "use"; in line 2, by striking all before "shall" and inserting "on the property where such gas wells are located";

On page 3, following line 27, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 55-193 is hereby amended to read as follows: 55-193. On July 15, 1996, and on the 15<sup>th</sup> day of each calendar quarter thereafter before July 1, ~~2016~~ 2020, 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 and \$200,000~~ 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 2013, 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 2013, state fiscal year 2014, and state fiscal year 2015, shall not exceed \$400,000 and such transfer from the state water plan fund to the abandoned oil and gas well fund shall be made on the 15<sup>th</sup> 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.~~;

Also on page 3, in line 28, by striking "is" and inserting "and 55-193 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "oil and gas wells,"; in line 2, by striking "exceptions" and inserting "relating to the abandoned oil and gas well fund, extension"; also in line 2, after "55-155" by inserting "and 55-193"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel for the purpose to receive House messages and introduction of bills under that order of business.

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

#### **REPORT ON ENROLLED BILLS**

**SR 1722, SR 1723, SR 1724, SR 1725** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 13, 2015.

#### **TRIBUTES**

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of March 9 through March 13 2015:

Senator Bowers: congratulating Don Brax on being named the Class 2A Track and Field Coach of the Year;

Senator Faust-Goudeau: recognizing Jason Perkey for his service to the State of Kansas; thanking Jeff Russell for his service to the Kansas Legislature;

Senator Love: congratulating and commending Dee Likes on his service to the Kansas Livestock Association and the State of Kansas; congratulating and commending Steve Baccus on his service to Kansas Farm Bureau and the State of Kansas; and

Senator Petersen: congratulating Les Withrow on his retirement.

On motion of Senator Bruce, the Senate adjourned until 3:30 p.m., Monday, March 16, 2015.

# Journal of the Senate

FORTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 16, 2015, 3:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 39 senators present.  
Senator O'Donnell was excused.  
Invocation by Father Don Davidson:

The warming temperatures remind us of new life and new beginnings; the planting and growing of the new crops in the field, and the return of afternoon sports and cook-outs. Help us, Dear Lord, to give thanks for all the seasons and the joy that the changes bring to our hearts. Help us to be good stewards of the good earth you have entrusted to our care, and as it blesses us help us to bless you. In Your holy name. Amen

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

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 286, SB 287.**  
Public Health and Welfare: **SB 285.**  
Senate Select Committee on KPERS: **SB 284.**

## CHANGE OF REFERENCE

The Vice President withdrew **HB 2109** from the Committee on **Judiciary**, and referred the bill to the Committee on **Assessment and Taxation**.

## MESSAGE FROM THE HOUSE

Announcing passage of **SB 13**.

## CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Masterson moved the Senate concur in House amendments to **H Sub SB 7**.

**H Sub SB 7**, AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal years ending June 30, 2015, June 30, 2016, and June 30, 2017, for the department of education; creating the classroom learning assuring student success act; amending K.S.A. 12-1677, 12-1775a, 72-1414, 72-6622, 72-6757, 72-8190, 72-8230, 72-8233, 72-8236, 72-8309, 72-8908, 79-2001 and 79-5105 and K.S.A. 2014 Supp. 10-1116a, 12-1770a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1923, 72-3607, 72-3711, 72-3712, 72-3715, 72-5333b, 72-6434,

72-6460, 72-64b01, 72-64c03, 72-64c05, 72-6624, 72-6625, 72-67,115, 72-7535, 72-8187, 72-8237, 72-8249, 72-8250, 72-8251, 72-8302, 72-8316, 72-8415b, 72-8801, 72-8804, 72-8814, as amended by section 54 of 2015 House Substitute for Senate Bill No. 4, 72-9509, 72-9609, 72-99a02, 74-32,141, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213 and 79-2925b and repealing the existing sections; also repealing K.S.A. 72-6406, 72-6408, 72-6411, 72-6415, 72-6418, 72-6419, 72-6424, 72-6427, 72-6429, 72-6432, 72-6436, 72-6437, 72-6444, 72-6446 and 72-6447 and K.S.A. 2014 Supp. 46-3401, 46-3402, 72-3716, 72-6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6415b, 72-6416, 72-6417, 72-6420, 72-6421, 72-6423, 72-6425, 72-6426, 72-6428, 72-6430, 72-6431, 72-6433, 72-6433d, 72-6434, as amended by section 38 of this act, 72-6434b, 72-6435, 72-6438, 72-6439, 72-6439a, 72-6441, 72-6441a, 72-6442b, 72-6443, 72-6445a, 72-6448, 72-6449, 72-6450, 72-6451, 72-6452, 72-6453, 72-6455, 72-6456, 72-6457, 72-6458, 72-6460, as amended by section 39 of this act, 72-6461, 72-8801a, 72-8814, as amended by section 63 of this act, 72-8814b, 72-8815 and 79-213f.

Upon the showing of five hands, a call of the Senate was requested.

On roll call, the vote was: Yeas 25; Nays 14; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Lynn, Masterson, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Love, McGinn, Pettey, Schmidt.

Absent or Not Voting: O'Donnell.

The Senate concurred.

The call of the Senate was lifted.

### PROTEST

*Protest of Senator Hensley against House Sub for Senate Bill No. 7  
March 16, 2015*

Madam President: I hereby exercise my right under Article 2, Section 10, of the Kansas Constitution to protest **House Substitute for Senate Bill No. 7**.

The funding in this bill for the current school year is based on a funding level that has already been found to be unconstitutionally low. The operational funding for school districts is cut even further (0.4%) for 2016 and 2017.

The current school finance formula, when fully funded, has been found to ensure adequacy and equity as required by the Kansas Constitution.

This bill completely removes the weighting components that ensure that Kansas' disadvantaged students, specifically African-Americans, Latino-Americans, and other English Language Learners and foreign-born students and students living in poverty receive the same educational opportunities as non-minority and domestic-born students. These weightings evolved over several years based on expert testimony and in response to prior Kansas Supreme Court decisions and were based on the costs needed to educate different students.

Governor Brownback has specifically stated that the purpose of the block grant mechanism is to ensure that the state is not "held hostage" by changing demographics

and increases in the number of students.

Such a statement indicates that this legislation, if enacted into law, will have been enacted for the purpose of eliminating the protections found in the current school finance formula that ensured African-Americans, Latino-Americans, children in poverty and English Language Learners (the members of those “changing demographics”) had equal educational opportunities as non-minority and domestic-born students.

The changes to the calculations for equalization deliberately prorate the level of equity that the State committed to restore through passage of 2014 **Senate Substitute for House Bill 2506**. The State represented to the Court that the funding of **Senate Substitute for House Bill 2506** was secure and we have now done exactly what the Court told us we could not do.

Thus, the passage of this block grant bill represents an intentional refusal to comply with the Supreme Court’s order and renders the representations made by the State to the *Gannon* trial panel patently false.

Governor Brownback has also said that “This cycle of school finance litigation must end.” This block grant bill represents the Governor’s unconstitutional, intentional, and futile attempt to evade the clear directives of the Supreme Court and the trial panel.

In sum, by passing this bill, we are all standing witness to the unconstitutional disassembling of public education in the State of Kansas.

The attached printout, SF15-094, shows the bill’s effect on current school district budgets. It creates losses in funding only for districts eligible for equalization funding. This is not in any way constitutional or acceptable for the school children of Kansas.—

ANTHONY HENSLEY

Senators Faust-Goudeau, Francisco, Hawk and Kelly request the record show they support the protest offered by Senator Hensley.

Copies of SF15-094 are on file in the office of the Secretary of the Senate and are available for review at any time.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote “No” on the motion to concur with **H Sub SB 7**. I believe that this new funding mechanism will create an unfair finance formula for all students, especially for those who are minorities and low income.—OLETHA FAUST-GOUDEAU

Mr. Vice President: The Senate should be discussing how to appropriate school funding, after all, K-12 funding is 53% of our annual state general fund budget. But concurring with changes made to **H Sub SB 7** in the House provides for very little discussion. Our current school finance formula takes into account changes in enrollment and other weightings. This bill assumes we should ignore those changes within districts while reducing overall funds that can be used in the classroom. Under the block grant what a district received in 2014-15 determines much of what that district will receive for the next two years. Concerns that some equalization aid is going to “wealthy” districts are ignored; the basis for determining that aid does not change although all of those districts will receive it at differing lower percentages. I agree we need changes in virtual school funding, however this proposal provides more funding per FTE for part-time students and students over the age of 18 in 2015-16 than for the full-time students for whom the program was designed. I am concerned this bill puts the interest of some members of the legislature to have predictability in the state budget ahead of our

responsibility to provide the funding to educate Kansas pupils. I vote “No” on the motion to concur. —MARCI FRANCISCO

Senators Hawk, Hensley and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **H Sub SB 7**.

Mr. Vice President: What a sad day for Kansas. Today the Kansas Legislature has chosen to abandon the current school finance formula, a bi-partisan legislative achievement that has withstood the constitutional test of time for well over 20 years, in its efforts to pay for Governor Brownback’s financially devastating and unsustainable tax policies. This legislation has nothing to do with adequately and equitably educating Kansas kids but has everything to do with the pure politics of those who continue to put the desires of the well-heeled special interests ahead of the educational needs of our children. But while Charles and David Koch may have won this particular battle, Mr. Vice President, Kansas families can at least take some small measure of comfort in knowing that our Kansas courts, as yet uncorrupted by the supply side ideology cancer that has metastasized throughout Kansas’ executive and legislative branches of government, are keeping a watchful eye on this legislature’s actions. Sadly, it is now up to them to constitutionally protect the educational rights of those whose voices continue to be ignored in our state capitol building. I vote “No” on **H Sub SB 7**.—TOM HOLLAND

Mr. Vice President: While I support the concept that the state’s school finance formula needs to be studied, I cannot support the vehicle being used to allow the study. The block grant proposal, as proposed by the Governor, was to hold school districts harmless while a new formula was being developed. **H Sub SB 7** does not hold the school districts I represent harmless. This bill reduces funding, eliminates the 2<sup>nd</sup> count for military districts and offers no certainty as to what future formulas might look like for our schools. I offer my support in developing a new funding formula, but must vote “No” on **H Sub SB 7**.—JEFF LONGBINE

Mr Vice President: I vote “Yes” on **H Sub SB 7**. The formula was flawed from the beginning and after 25 years of incrementalism has collapsed under its own weight. The block grant will provide adequate financing over the next two years as we develop a formula to thrive in the modern education environment. The new formula should reward good outcomes and good teachers with less emphasis on structures. Transparent financing and measureable outcomes are main goals of the modern education environment. In 1991 we spent \$1.1 billion on K-12 Education. Today we are spending over \$4.1 billion. Education is important for the quality of life our citizens enjoy. It is the pillar that creates prosperity across our state. We will not waiver on our quest to create a modern educational finance formula that meets expectations. We must and will be successful in writing a new formula which works for everyone: students, teachers, parents, and the tax payers.—TY MASTERSON

Senators Abrams and Denning request the record to show they concur with the "Explanation of Vote" offered by Senator Masterson on **H Sub SB 7**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, March 17, 2015.

# Journal of the Senate

FORTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 17, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 38 senators present.

Senators O'Donnell and Pettey were excused.

President Wagle introduced the guest Chaplain, Reverend Chris Halverson, who served as Chaplain of the United States Senate from 1992 to 1995. He is a guest of Senator Haley, and delivered the invocation:

Father in heaven, open our eyes to the presence of Your kingdom on earth as it is in heaven. Give us, we pray, a vision of Truth and Love working together in Your kingdom among us. Open our eyes to Truth. Cause it to drop in sight like a plumb line, from the peak of the dome to the center of the floor of this Capitol. Open our eyes to Love, the mark of Your kingdom, which embraces saints and sinners alike. As differing priorities, values and ways of governing clash in this chamber, we pray for eyes to see something greater than ourselves, working to bring us together. As those who serve here reach to the stars through difficulties, impress on their conscience the north star of justice and righteousness. And help them see loving kindness as the moderator of all their proceedings, no matter how strongly they differ. As Your Word declares, if we have faith such as to move mountains, or the gift of prophecy to understand all mysteries, or give all our money to the poor, even if we have all these things and are in the right, without love it is in vain and profits nothing! So we earnestly pray for a vision of Truth over falsehood and conviction of loving kindness without malice, that in spite of the circumstances and vicissitudes of life that have come before this body, something wonderful may come of it all. I close this prayer in the name of Jesus, because He is the one who taught me to pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## SPECIAL PRESENTATION

To commemorate St. Patrick's Day, former Senator Richard Gannon played *Dawning of the Day*, *Down by the Sulley Gardens* and *The Water is Wide* on the bagpipes. Senator Gannon served in the Senate from 1977 to 1988. His wife, Martha, was also present.

Senators honored Senator Gannon with a standing ovation.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 288**, AN ACT concerning motor vehicles; relating to commercial drivers' licenses; endorsements or restrictions; amending K.S.A. 2014 Supp. 8-2,135 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 289**, AN ACT concerning the state health care benefits program; relating to pharmacy benefits managers; requirements and fiduciary duties; audit of the pharmacy benefits management contract, by Committee on Ways and Means.

**SB 290**, AN ACT concerning the Kansas code of military justice; relating to commanding officer's nonjudicial punishment; amending K.S.A. 48-2301 and repealing the existing section, by Committee on Ways and Means.

**MESSAGE FROM THE GOVERNOR**

March 10, 2015

*To the Senate of the State of Kansas:*

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

SAM BROWNBACK  
*Governor*

*Secretary, Kansas Department of Health and Environment*, Dr. Susan Mosier (R), Lawrence, pursuant to the authority vested in me by K.S.A. 75-5601 et seq., and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Dr. Robert Moser.

*Superintendent, Kansas Highway Patrol*, Major Mark Bruce (U), Silver Lake, pursuant to the authority vested in me by K.S.A. 74-2113 et seq., and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Colonel Ernest Garcia.

*Commander, Kansas Air National Guard*, Colonel Jay Selanders (R), Village of Loch Loyd, pursuant to the authority vested in me by K.S.A. 48-208 et seq., and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Bradley Link.

*General Officer, Kansas Army National Guard*, Colonel Anthony Mohatt (R), Sugar Grove, pursuant to the authority vested in me by K.S.A. 48-208, and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Robert Windham.

*Member, Kansas State Banking Board*, Casey Lair (R), Neodesha, pursuant to the authority vested in me by K.S.A. 74-3004 et seq., and effective upon the date of confirmation by the Senate, to serve a three year term, to expire March 15, 2018, to succeed James Needham.

*Member, Kansas State Banking Board*, Linda Wessel (D), Council Grove, pursuant to the authority vested in me by K.S.A. 74-3004 et seq., and effective upon the date of confirmation by the Senate, to serve a three year term, to expire March 15, 2018, to succeed herself.

*Member, Kansas Public Employees Retirement Board of Trustees*, Chris Long (R), Mission Hills, pursuant to the authority vested in me by K.S.A. 74-4905 et seq., and

effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2019 to succeed himself.

#### MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2053**.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2364** be amended on page 3, following line 12, by inserting:

"(i) The college shall not enter into any program agreements pursuant to the provisions of this section after July 1, 2026. All program agreements entered into prior to such date shall continue in full force and effect subject to the requirements of this section.";

And the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **SB 270** be passed.

Committee on **Commerce** recommends **SB 276** be amended on page 5, in line 19, after "17-7929" by inserting "or 17-7934";

On page 8, in line 42, by striking "or" and inserting "of";

On page 19, in line 5, by striking "(d)" and inserting "(f)"; in line 41, by striking "(d)" and inserting "(f)";

On page 20, in line 6, by striking "(d)" and inserting "(f)"; in line 14, by striking "(d)" and inserting "(f)"; in line 20, by striking "(d)" and inserting "(f)"; in line 28, by striking the second "(d)" and inserting "(f)"; and the bill be passed as amended.

Also, **HB 2267** be passed.

Committee on **Federal and State Affairs** recommends **SB 278** 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, Committee on **Federal and State Affairs** begs leave to submit the following report:

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

By the Governor:

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

Laura McConwell, to fill a term expiring on January 15, 2019

Committee on **Financial Institutions and Insurance** recommends **HB 2066** be passed.

Also, **HB 2126** 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 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 Public Health and Welfare

"AN ACT concerning the secretaries for children and families and for aging and disability services; powers, duties and functions: amending K.S.A. 75-5308d, 75-5309, 75-5364, 76-157, 76-158 and 76-12a24 and K.S.A. 2014 Supp. 8-2,144, 8-1025, 21-5909, 36-502, 38-2006, 38-2212, 39-1702, 40-4702, 59-29a24, 65-689, 65-6233, 75-

7d01, 75-5321a, 75-53,105, 75-6524 and 75-7033 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Transportation** recommends **SB 274** be passed.

Also, **HB 2094** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2094," as follows:

"Senate Substitute for HOUSE BILL No. 2094

By Committee on Transportation

"AN ACT regulating traffic; concerning size limitations of certain vehicles, exceptions, forage cutter and custom harvester; use of safety belts, establishing the seat belt safety fund; amending K.S.A. 2014 Supp. 8-1904, 8-2504, 12-4120 and 74-7336 and repealing the existing sections.";

And the substitute bill be passed.

**HB 2013** be amended on page 1, in line 16, by striking "their" and inserting "its"; and the bill be passed as amended.

**HB 2103** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **HB 2085** be passed.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 18, 2015.

# Journal of the Senate

FORTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 18, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 39 senators present.  
Senator Pettey was excused.  
Invocation by Father Don Davidson:

In honor of St. Patrick of Ireland and of the Irish people and their contributions to the fabric of our nation, let us hear and receive this Irish blessing attributed to Bishop Patrick: These things, I warmly wish for you: Someone to love, some work to do, a bit o' sun, a bit o' cheer, and a guardian angel always near. 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 291**, AN ACT concerning sales taxation; providing exemption for certain purchases by hope ranch for women inc and contractors providing services thereto; amending K.S.A. 2014 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 292**, AN ACT concerning property taxation; relating to final orders of board of tax appeals involving appeals by lottery gaming enterprises; limiting review thereof; amending K.S.A. 2014 Supp. 74-2426 and repealing the existing section, by Committee on Ways and Means.

**SB 293**, AN ACT authorizing the conveyance of certain real property; authorizing the state board of regents to convey to the city of Pittsburg certain real property owned by the board of regents in exchange for certain property owned by the city of Pittsburg, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Corrections and Juvenile Justice: **SB 290**.

Financial Institutions and Insurance: **SB 289**.

Transportation: **SB 288**.

**REFERENCE OF APPOINTMENTS**

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

*Member, Kansas State Banking Board:*

Linda Wessel, to serve Term ends March 15, 2018.  
(Financial Institutions and Insurance)

Casey Lair, to serve Term ends March 15, 2018.  
(Financial Institutions and Insurance)

*General Officer, Kansas Army National Guard:*

Colonel Anthony Mohatt, to serve At the pleasure of the governor.  
(Federal and State Affairs)

*Commander, Kansas Air National Guard:*

Colonel Jay Selander, to serve At the pleasure of the governor.  
(Federal and State Affairs)

*Superintendent, Kansas Highway Patrol:*

Major Mark Bruce, to serve At the pleasure of the governor.  
(Federal and State Affairs)

*Member, Kansas Public Employees Retirement Board of Trustees:*

Chris Long, to serve Term ends January 15, 2019.  
(Ways and Means)

*Secretary, Department of Health and Environment:*

Dr. Susan Mosier, to serve At the pleasure of the governor.  
(Public Health and Welfare)

**CHANGE OF REFERENCE**

The President withdrew **HB 2246** from the Committee on **Local Government**, and referred the bill to the Committee on **Judiciary**.

The President withdrew **HB 2258** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on **Public Health and Welfare**.

The President withdrew **HB 2353** from the Committee on **Education**, and referred the bill to the Committee on **Ways and Means**.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2268**, **HB 2382**.

Announcing passage of **SB 113**, as amended.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2268**, **HB 2382** were thereupon introduced and read by title.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Arpke, Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn and Wolf introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1726—

A RESOLUTION commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.

WHEREAS, There are hosts of ministers, pastors, priests and rabbis serving throughout Kansas; and

WHEREAS, They produce God-honoring and prosperous families that help to nurture the spirits of future generations; and

WHEREAS, They preach and teach in ways that impact and enrich lives – causing many to live in more fulfilling ways; and

WHEREAS, As shepherds, who are to protect, they correct wrongs, reflect justice and seek fairness in organizations, families and government; and

WHEREAS, They provide creative approaches to challenges – resulting in better practices; and

WHEREAS, They pioneer the creation of new programs, policies and services; and

WHEREAS, They help cultivate people's strengths and challenge them to step up and step out in communities: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commend our ministers, pastors, priests and rabbis for their leadership in villages, counties, cities and our state and their priceless commitment to improving lives. We thank God for each one of them; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Arpke.

On emergency motion of Senator Arpke **SR 1726** was adopted by voice vote.

Guests present included: the Reverends David Buller, Garrett Geesling, Paul Roeth, Cheyenne Oller, Maley Black, Paige Soellner, Tiffany Carroll, Calley Russell, Jimmy Russell, Cordell Fisher, Nate O'Rourke, Greg Rickard, Jana Rea, Ken Ediger, Rachel Ediger, Brian Ma, Dick Unruh, Carol Unruh, Ken Isaac, Dianne Isaac, Caleb May, Sarah May and Ken Harder.

Senators honored the Pastors with a standing ovation.

**REPORTS OF STANDING COMMITTEES**

Committee on **Agriculture** recommends **HB 2061** be amended on page 3, in line 41, after "resources" by inserting "with conservation easements"; also in line 41, after "for" by inserting "the";

On page 4, in line 7, after "the" by inserting "acquisition and"; also in line 7, by striking "compensatory"; in line 8, by striking all before the comma and inserting "conservation easements"; in line 9, by striking all after "the"; in line 10, by striking all before the first comma and inserting "terms of the conservation easement are met";

Also on page 4, following line 23, by inserting:

"(h) All costs associated with compensatory mitigation, including, but not limited to, the costs of any litigation or civil fines or penalties, shall be paid by the watershed district for which the Kansas department of agriculture division of conservation holds the conservation easement.

(i) (1) Except as provided in subsection (i)(2), the Kansas department of agriculture shall not expend moneys appropriated from the state general fund or from any special revenue fund or funds for the purpose of accepting, purchasing or otherwise acquiring

conservation easements.

(2) The Kansas department of agriculture may expend moneys in the conservation fund established by this section for the purpose of accepting, purchasing or otherwise acquiring conservation easements.

(j) The Kansas department of agriculture division of conservation shall not accept, purchase or otherwise acquire any conservation easement other than for the purposes of this section."; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **SB 280** be amended on page 9, following line 17, by inserting:

"(30) The board of county commissioners of Bourbon county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of constructing, furnishing and operating a law enforcement center or jail facility or both to the electors at an election called and held thereon.";

On page 13, in line 31, by striking "and"; in line 34, after "1.5%" by inserting "; and

(dd) the board of county commissioners of Bourbon county, for the purposes of K.S.A. 12-187(b)(30), and amendments thereto, may fix such rate at up to 2%";

On page 15, following line 7, by inserting:

"Sec. 3. K.S.A. 2014 Supp. 12-192 is hereby amended to read as follows: 12-192.

(a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year; and (2) one-half of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of 0.75%, 1% or 1.25% after July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner: (A) The revenue received from the first 0.5% rate of tax shall be apportioned in the manner prescribed by subsection (a); and (B) the revenue received from the rate of tax exceeding 0.5% shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year; (ii) one-fourth shall be apportioned among the county and each city located in

such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county; and (iii) one-half shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to ~~paragraphs (2), (3)(C), (3)(F), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25), (27), (28) and (29) of subsection (b) of K.S.A. 12-187(b)(2), (3)(C), (3)(F), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25), (27), (28), (29) and (30),~~ and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in ~~paragraph (5) of subsection (b) of K.S.A. 12-187(b)(5),~~ and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to ~~paragraph (5) of subsection (b) of K.S.A. 12-187(b)(5),~~ and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(3) All revenue received from a countywide retailers' sales tax imposed pursuant to ~~paragraph (26) of subsection (b) of K.S.A. 12-187(b)(26)~~, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged unless the question of imposing a countywide retailers' sales tax authorized by ~~paragraph (26) of subsection (b) of K.S.A. 12-187(b)(26)~~, and amendments thereto, includes the apportionment of revenue prescribed in subsection (a).

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.;

Also on page 15, in line 8, by striking "and" and inserting a comma; also in line 8, after "12-189" by inserting "and 12-192";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "county" by inserting "and Bourbon county"; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "12-189" by inserting "and 12-192"; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 239** be passed.

Committee on **Federal and State Affairs** recommends **SB 65, SB 224, SB 267** be passed.

Also, **HB 2154**, as amended by House Committee of the Whole, be amended on page 1, following line 19, by inserting:

"Sec. 2. K.S.A. 48-517 is hereby amended to read as follows: 48-517. (a) Any person employed in the state of Kansas who is called or ordered to state active duty by the this state, or any other state, whether such person is a member of the Kansas army national guard, Kansas air national guard, the Kansas state guard or other military force of this state, or any other state, and who gave notice thereof to the person's employer, upon satisfactory performance of and release and return from such military duty or

recovery from disease or injury resulting ~~therefrom~~ from such military duty, under honorable conditions, shall be reinstated in or restored to the position of employment, except a temporary position, which the person held at the time the person was called to state active duty. The person shall report to the person's place of employment within 72 hours after release from duty or recovery from disease or injury resulting ~~therefrom~~ from such military duty, as the case may be, and the person's employer or the employer's successor in interest, whether an agency of the state, a political subdivision of the state or a private employer, shall reinstate or restore the person in the same position which the person left at the time of the person's call to duty at no less compensation than that which the person was receiving at the time of the person's call to duty or to a position of like seniority, status and pay. However, if the person is not qualified to perform the duties of the same position by reason of disability sustained during the person's call to duty but is qualified to perform another position in the employ of the employer or the employer's successor, the employer or the employer's successor in interest shall employ such person in another position, the duties of which the person is qualified to perform, that will provide like seniority, status and pay or the nearest approximation thereof consistent with the circumstances of the case. Any person called to state active duty shall receive, upon release ~~under honorable conditions~~ from state active duty, documentation of ~~honorable~~ such person's service to the this state or any other state, as provided by the adjutant general in a memorandum certified by such person's commanding officer.

(b) Any person who is restored to the person's position in accordance with the provisions of subsection (a) shall be considered as having been on temporary leave of absence during the period for which the person is called to state active duty, shall be restored without loss of seniority, shall be entitled to participate in any benefits offered by the employer pursuant to established rules and practices relating to employees on leave of absence in effect with the employer at the time the person was called to duty as provided ~~herein in this section~~ and shall not be discharged from the person's position without cause within one year after restoration to the position.

(c) It is understood and declared to be the intent of this section that any person who is restored to a position in accordance with the provisions of subsections (a) and (b) shall be restored in such manner as to give the person such status in the person's employment as the person would have enjoyed if the person had continued in such employment continuously from the time of the person's answering the call to state active duty until the time of the person's restoration to such employment.

(d) An application on behalf of a person claiming to be entitled to any right or benefit under this section may be made to the attorney general. If the attorney general is reasonably satisfied that the person is entitled to the right or benefit sought, the attorney general may appear on behalf of and act as attorney for the person on whose behalf the application is submitted and may commence an action in the district court of the county for appropriate relief for the person. The district court of the county where the employer of a person claiming a right or benefit under this section, or the successor in interest to such employer, maintains a place of business shall have jurisdiction of any action filed by or on behalf of such person. If the court determines that the employer or the employer's successor in interest has failed to comply with the provisions of this section, the court may order the employer or the employer's successor in interest to: (1) Comply with the provisions of this section; and (2) compensate the person for any loss of wages

or benefits suffered by reason of the failure of the employer or employer's successor in interest to comply with the provisions of this section. In addition, the court may order the employer or the employer's successor in interest to pay the person an additional amount equal to the amount authorized by subsection (d)(2) if the court determines that the employer or the employer's successor in interest willfully failed to comply with the provisions of this section. No fees or court costs shall be taxed against any person commencing an action under this subsection. The employer or the employer's successor in interest shall be deemed the only necessary party defendant to any such action.

(e) In any case in which two or more persons who are entitled to be restored to a position under the provisions of this section or of any law relating to similar reemployment or reinstatement benefits left the same position in order to enter ~~the state~~ this state's or any other state's call to active duty, the person who left the position first shall have the prior right to be restored thereto, without prejudice to the reemployment rights of the other person or persons to be restored.

(f) Upon request, the adjutant general shall provide technical assistance to any person claiming to be entitled to any right or benefit under this section during the course of an investigation subsequent to a claim as provided in subsection (d) and, when appropriate, to the employer or employer's successor in interest. The adjutant general shall place an investigating officer on state active duty orders to investigate the person's claim and attempt to resolve the claim by making reasonable efforts to ensure that the employer or employer's successor in interest complies with the provisions of this section. If such efforts are not successful, the adjutant general shall notify the person of the results of the investigation and the person's entitlement to proceed as provided by subsection (d).

(g) (1) An employer or an employer's successor in interest shall not be required to reemploy a person under this section if:

(A) The circumstances of the employer or the employer's successor in interest have so changed as to make reemployment of the person impossible or unreasonable;

(B) reemployment of the person would impose an undue hardship on the employer or the employer's successor in interest; or

(C) the employment from which the person leaves to serve in military duty is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

(2) As used in subsection ~~(f)~~(g)(1), "undue hardship" means actions requiring significant difficulty or expense, when considered in light of:

(A) The nature and cost of the action needed under this act;

(B) the overall financial resources of the facility or facilities involved in the provision of the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;

(C) the overall financial resources of the employer or the employer's successor in interest; the overall size of the business of the employer or the employer's successor in interest with respect to the number of employees; the number, type and location of its facilities; and

(D) the type of operation or operations of the employer or the employer's successor in interest, including the composition, structure and functions of the work force of such employer or successor in interest; the geographic separateness, administrative, or fiscal

relationship of the facility or facilities in question to the employer or successor in interest.

New Sec. 3. (a) (1) A current member of the armed forces of the United States or the member's spouse or dependent child who is enrolled or has been accepted for admission at a postsecondary educational institution as a postsecondary student shall be deemed to be a resident of the state for the purpose of tuition and fees for attendance at such postsecondary educational institution.

(2) A person is entitled to pay tuition and fees at an institution of higher education at the rates provided for Kansas residents without regard to the length of time the person has resided in the state if the person files a letter of intent to establish residence in the state with the postsecondary educational institution at which the person intends to register, lives in the state while attending the postsecondary educational institution and the person is eligible for benefits under the federal post-9/11 veterans educational assistance act of 2008, 38 U.S.C. § 3301 et seq., or any other federal law authorizing educational benefits for veterans.

(b) As used in this section:

(1) "Armed forces" means the army, navy, marine corps, air force, coast guard, Kansas army or air national guard or any branch of the military reserves of the United States;

(2) "Postsecondary educational institution" means the same as provided in K.S.A. 74-3201b, and amendments thereto; and

(3) "Veteran" means a person who has been separated from the armed forces and was honorably discharged or received a general discharge under honorable conditions.

(c) This section shall be part of and supplemental to chapter 48 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 4. K.S.A. 2014 Supp. 76-729 is hereby amended to read as follows: 76-729.

(a) (1) Persons enrolling at the state educational institutions under the control and supervision of the state board of regents who, if such persons are adults, have been domiciliary residents of the state of Kansas or, if such persons are minors, whose parents have been domiciliary residents of the state of Kansas for at least 12 months prior to enrollment for any term or session at a state educational institution are residents for fee purposes. A person who has been a resident of the state of Kansas for fee purposes and who leaves the state of Kansas to become a resident of another state or country shall retain status as a resident of the state of Kansas for fee purposes if the person returns to domiciliary residency in the state of Kansas within 60 months of departure. All other persons are nonresidents of the state of Kansas for fee purposes.

(2) The provisions of this subsection shall be applicable to any person enrolling at a state educational institution from and after July 1, 2006. Any person who (A) qualifies as a resident of the state of Kansas for fee purposes under the provisions of this subsection, (B) attended a state educational institution during academic year 2006-2007, and (C) paid fees as if such person was not a resident of the state of Kansas, may apply to such state educational institution to be reimbursed in an amount equal to the difference between the amount the person paid in fees and the amount the person would have paid if such person had been treated as a resident of the state of Kansas. Such reimbursement shall be paid by the state educational institution at which such person was enrolled during academic year 2006-2007.

(3) The provisions of this subsection shall not apply to a person who is deemed a

resident for fee purposes pursuant to K.S.A. 2014 Supp. 76-731a, and amendments thereto.

(b) The state board of regents may authorize the following persons, or any class or classes thereof, and their spouses and dependents to pay an amount equal to resident fees:

- (1) Persons who are employees of a state educational institution;
  - (2) ~~persons who are in military service;~~
  - (3) ~~persons who are domiciliary residents of the state, who were in active military service prior to becoming domiciliary residents of the state, who were present in the state for a period of not less than two years during their tenure in active military service, whose domiciliary residence was established in the state within 30 days of discharge or retirement from active military service under honorable conditions, but whose domiciliary residence was not timely enough established to meet the residence duration requirement of subsection (a);~~
  - (4) ~~persons having special domestic relations circumstances;~~
  - (5)(3) ~~persons who have lost their resident status within six months of enrollment;~~
  - (6)(4) ~~persons who are not domiciliary residents of the state, who have graduated from a high school accredited by the state board of education within six months of enrollment, who were domiciliary residents of the state at the time of graduation from high school or within 12 months prior to graduation from high school, and who are entitled to admission at a state educational institution pursuant to K.S.A. 72-116, and amendments thereto;~~
  - (7)(5) ~~persons who are domiciliary residents of the state, whose domiciliary residence was established in the state for the purpose of accepting, upon recruitment by an employer, or retaining, upon transfer required by an employer, a position of full-time employment at a place of employment in Kansas, but the domiciliary residence of whom was not timely enough established to meet the residence duration requirement of subsection (a), and who are not otherwise eligible for authorization to pay an amount equal to resident fees under this subsection;~~
  - (8) ~~persons who have graduated from a high school accredited by the state board of education within six months of enrollment and who, at the time of graduation from such a high school or while enrolled and in attendance at such a high school prior to graduation therefrom, were dependents of a person in military service within the state; if the person, whose dependent is eligible for authorization to pay an amount equal to resident fees under this provision, does not establish domiciliary residence in the state upon retirement from military service, eligibility of the dependent for authorization to pay an amount equal to resident fees shall lapse; and~~
  - (9) ~~persons who have retired or have been honorably discharged from military service, had a permanent change of station order for active duty in Kansas during such military service and live in Kansas at the time of enrollment.~~
- (c)(1) ~~The state board of regents shall authorize the following class of persons to pay an amount equal to resident fees: Any dependent or spouse of a person in military service who is reassigned from Kansas to another duty station so long as such dependent or spouse continues to reside in Kansas.~~
- (2) ~~So long as a person remains continuously enrolled, exclusive of summer sessions, a person who qualifies to pay resident fees by virtue of being a spouse or dependent of a person in military service shall not lose such status because of a divorce~~

~~or the death of a spouse Pursuant to section 1, and amendments thereto, a veteran, an active duty member of the armed forces and the spouse and dependent child of such veteran or active duty member of the armed forces shall be deemed residents of the state for fee purposes.~~

(d) As used in this section:

(1) "Parents" means and includes natural parents, adoptive parents, stepparents, guardians and custodians.

(2) "Guardian" has the meaning ascribed thereto by K.S.A. 59-3051, and amendments thereto.

(3) "Custodian" means a person, agency or association granted legal custody of a minor under the revised Kansas code for care of children.

(4) "Domiciliary resident" means a person who has present and fixed residence in Kansas where the person intends to remain for an indefinite period and to which the person intends to return following absence.

(5) "Full-time employment" means employment requiring at least 1,500 hours of work per year.

(6) "Dependent" means: (A) A birth child, adopted child or stepchild; or

(B) any child other than the foregoing who is actually dependent in whole or in part on the person in military service and who is related to such individual by marriage or consanguinity.

~~(7) "Military service" means: (A) Any active service in any armed service of the United States; or (B) membership in the Kansas army or air national guard.~~

(8) "Academic year" means the twelve-month period ending June 30.

Sec. 5. K.S.A. 48-517 and K.S.A. 2014 Supp. 76-729 are hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2 by striking all before the period and inserting "military matters; amending K.S.A. 48-517 and K.S.A. 2014 Supp. 76-729 and repealing the existing sections"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2064** be amended on page 3, in line 2, by striking "or"; in line 4, after "thereto" by inserting "; or (5) a company providing products and services to customers for a fee where customers receive consultations with a licensed attorney connected to the customer by the company, so long as the company does not directly provide legal services, pay for legal services beyond a minimal administrative fee per customer or indemnify or reimburse the customer for any legal expenses incurred";

Also, on page 3, following line 18, by inserting:

"Sec. 3. K.S.A. 40-19a11 is hereby amended to read as follows: 40-19a11. (a) No corporation subject to the provisions of this act shall during any one year disburse more than ~~five percent (5%)~~ 5% of the aggregate amount of the payments received ~~from subscribers pursuant to K.S.A. 40-19a02, and amendments thereto, during that year as expenditures for the soliciting of subscribers solicitation,~~ except that during the first year after the issuance of a permit, such corporation may so disburse not more than ~~twenty percent (20%)~~ 20% of such amount, during the second year not more than ~~fifteen percent (15%)~~ 15%, and during the third year not more than ~~ten percent (10%)~~ 10%.

(b) No such corporation shall, during any one year, disburse more than ~~twelve~~

~~percent (12%)~~ 12% of the aggregate amount of the payments received ~~from subscribers pursuant to K.S.A. 40-19a02, and amendments thereto,~~ during that year as administrative expenses, except that during the first two years after the issuance of the permit, such corporation may disburse not more than ~~twenty percent (20%)~~ 20% of the payments received ~~from subscribers pursuant to K.S.A. 40-19a02, and amendments thereto.~~ The term, "administrative expenses," as used in this section, shall include all expenditures for nonprofessional services and, in general, all expenses not directly connected with the furnishing of the benefits specified in this act, but not including expenses referred to in subsection (a) ~~hereof~~;

Also on page 3, in line 19, after "40-1102" by inserting ", 40-19a11";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the second "insurance" by inserting ", nonprofit dental corporations, subscription agreements, disbursements"; in line 2, after "40-1102" by inserting ", 40-19a11"; and the bill be passed as amended.

Also, **HB 2142** be amended on page 4, following line 7, by inserting:

"Sec. 3. K.S.A. 40-2203 is hereby amended to read as follows: 40-2203. (A) *Required provisions.* Except as provided in paragraph (C) of this section every such policy delivered or issued for delivery to any person in this state shall contain the provisions specified in this subsection in the words in which the same appear in this section, but the insurer, at its option, may substitute for one or more of such provisions corresponding provisions of different wording approved by the commissioner of insurance which are in each instance not less favorable in any respect to the insured or the beneficiary. Such provisions shall be preceded individually by the caption appearing in this subsection or at the option of the insurer, by such appropriate individual or group captions or subcaptions as the commissioner of insurance may approve.

(1) A provision as follows: "*Entire contract; changes:* This policy, including the endorsement and the attached papers, if any, constitutes the entire contract of insurance. No change in this policy shall be valid until approved by an executive officer of the insurer and unless such approval be endorsed hereon or attached hereto. No agent has authority to change this policy or to waive any of its provisions."

(2) A provision as follows: "*Time limit on certain defenses:* (a) After two years from the date of issue of this policy no misstatements, except fraudulent misstatement, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such two-year period."

The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial two year period, nor to limit the application of subsections (B) (1), (2), (3), (4) and (5) in the event of misstatement with respect to age or occupation or other insurance.

A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age 50, or (2) in the case of a policy issued after age 44, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer's option) under the caption "*Incontestable*": "After this policy has been in force for a period of two years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application.

(b) "No claim for loss incurred or disability (as defined in the policy) commencing after two years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss has existed prior to the effective date of coverage of this policy."

(3) A provision as follows: "*Grace period:* A grace period of \_\_\_\_\_" (insert a number not less than "7" for weekly premium policies, "10" for monthly premium policies and "31" for all other policies) "days will be granted for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force." A policy which contains a cancellation provision may add, at the end of the above provision, "subject to the right of the insurer to cancel in accordance with the cancellation provision hereof." A policy in which the insurer reserves the right to refuse any renewal shall have, at the beginning of the above provision, "Unless not less than five days prior to the premium due date the insurer has delivered to the insured or has mailed to the last address as shown by the records of the insurer written notice of its intention not to renew this policy beyond the period for which the premium has been accepted."

(4) A provision as follows: "*Reinstatement:* If any renewal premium be not paid within the time granted the insured for payment, a subsequent acceptance of premium by the insurer or by any agent duly authorized by the insurer to accept such premium without requiring in connection therewith an application for reinstatement shall reinstate the policy. If the insurer or such agent requires an application for reinstatement and issues a conditional receipt for the premium tendered, the policy will be reinstated upon approval of such application by the insurer or, lacking such approval, upon the 45<sup>th</sup> day following the date such conditional receipt unless the insurer has previously notified the insured in writing of its disapproval of such application. The reinstated policy shall cover only loss resulting from such accidental injury as may be sustained after the date of reinstatement and loss due to such sickness as may begin more than ten days after such date. In all other respects the insured and insurer shall have the same rights thereunder as they had under the policy immediately before the due date of the defaulted premium, subject to any provisions endorsed hereon or attached hereto in connection with the reinstatement. Any premium accepted in connection with a reinstatement shall be applied to a period for which premium has not been previously paid, but not to any period more than 60 days prior to the date of reinstatement." The last sentence of the above provision may be omitted from any policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age 50 or, (2) in the case of a policy issued after age 44, for at least five years from its date of issue.

(5) A provision as follows: "*Notice of claim:* Written notice of claim must be given to the insurer within 20 days after the occurrence or commencement of any loss covered by the policy, or as soon thereafter as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insurer at \_\_\_\_\_" (insert the location of such office as the insurer may designate for the purpose), "or to any authorized agent of the insurer, with information sufficient to identify the insured, shall be deemed notice to the insurer." In a policy providing a loss-of-time benefit which may be payable for at least two years, an insurer may at its option insert the following between the first and second sentences of the above provisions: "Subject to the

qualification set forth below, if the insured suffers loss of time on account of disability for which indemnity may be payable for at least two years, he shall, at least once in every six months after having given notice of claim, give to the insurer notice of continuance of said disability, except in the event of legal incapacity. The period of six months following any filing of proof by the insured or any payment by the insurer on account of such claim or any denial of liability in whole or in part by the insurer shall be excluded in applying this provision. Delay in the giving of such notice shall not impair the insured's right to any indemnity which would otherwise have accrued during the period of six months preceding the date on which such notice is actually given.

(6) A provision as follows: "*Claim forms*: The insurer, upon receipt of a notice of claim, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not furnished within 15 days after the giving of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made."

(7) A provision as follows: "*Proofs of loss*: Written proof of loss must be furnished to the insurer at its said office in case of claim for loss for which this policy provides any periodic payment contingent upon continuing loss within 90 days after the termination of the period for which the insurer is liable and in case of claim for any other loss within 90 days after the date of such loss. Failure to furnish such proof within the time required shall not invalidate nor reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity, later than one year from the time proof is otherwise required."

(8) A provision as follows: "*Time of payment of claims*: Indemnities payable under this policy for any loss other than loss for which this policy provides any periodic payment will be paid immediately upon receipt of due written proof of such loss. Subject to due written proof of loss, all accrued indemnities for loss for which this policy provides periodic payment will be paid \_\_\_\_\_" (insert period for payment which must not be less frequently than monthly) "and any balance remaining unpaid upon the termination of liability will be paid immediately upon receipt of due written proof."

(9) A provision as follows: "*Payment of claims*: Indemnity for loss of life will be payable in accordance with the beneficiary designation and the provisions respecting such payment which may be prescribed herein and effective at the time of payment. If no such designation or provision is then effective, such indemnity shall be payable to the estate of the insured. Any other accrued indemnities unpaid at the insured's death, at the option of the insurer, may be paid either to such beneficiary or to such estate. All other indemnities will be payable to the insured." The following provisions, or either of them, may be included with the foregoing provision at the option of the insurer: "If any indemnity of this policy shall be payable to the estate of the insured, or to an insured or beneficiary who is a minor or otherwise not competent to give a valid release, the insurer may pay such indemnity, up to an amount not exceeding \$ \_\_\_\_\_" (insert an amount which shall not exceed \$1,000), "to any relative by blood or connection by marriage of the insured or beneficiary who is deemed by the insurer to be equitably entitled thereto. Any payment made by the insurer in good faith pursuant to this

provision shall fully discharge the insurer to the extent of such payment. Subject to any written direction of the insured in the application or otherwise all or a portion of any indemnities provided by this policy on account of hospital, nursing, medical, or surgical services may, at the insurer's option and unless the insured requests otherwise in writing not later than the time of filing proofs of such loss, be paid directly to the hospital or person rendering such services; but it is not required that the service be rendered by a particular hospital or person."

(10) A provision as follows: "*Physical examinations and autopsy*: The insurer at its own expense shall have the right and opportunity to examine the person of the insured when and as often as it may reasonably require during the pendency of a claim hereunder and to make an autopsy in case of death where it is not forbidden by law."

(11) A provision as follows: "*Legal actions*: No action at law or in equity shall be brought to recover on this policy prior to the expiration of 60 days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of five years after the time written proof of loss is required to be furnished."

(12) A provision as follows: "*Change of beneficiary*: Unless the insured makes an irrevocable designation of beneficiary, the right to change of beneficiary is reserved to the insured and the consent of the beneficiary or beneficiaries shall not be requisite to surrender or assignment of this policy or to any change of beneficiary or beneficiaries, or to any other changes in this policy."

The first clause of this provision, relating to the irrevocable designation of beneficiary, may be omitted at the insurer's option.

(13) A provision as follows: "*Cancellation by insured*: The insured may cancel this policy at any time by written notice delivered or mailed to the insurer, effective upon receipt of such notice or on such later date as may be specified in such notice. In the event of cancellation or death of the insured, the insurer will promptly return the unearned portion of any premium paid. The earned premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. Cancellation shall be without prejudice to any claim originating prior to the effective date of cancellation." When approved by the commissioner, the "cancellation" provision appearing in subsection (B)(8) may be substituted for the above.

(B) *Other provisions*: Except as provided in paragraph (C) of this section, no such policy delivered or issued for delivery to any person in this state shall contain provisions respecting the matters set forth below unless such provisions are in the words in which the same appear in this section, but the insurer may, at its option, use in lieu of any such provision a corresponding provision of different wording approved by the commissioner of insurance which is not less favorable in any respect to the insured or the beneficiary. Any such provision contained in the policy shall be preceded individually by the appropriate caption appearing in this subsection or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the commissioner of insurance may approve.

(1) A provision as follows: "*Change of occupation*: If the insured be injured or contract sickness after having changed his occupation to one classified by the insurer as more hazardous than that stated in this policy or while doing for compensation anything pertaining to an occupation so classified, the insurer will pay only such portion of the

indemnities provided in this policy as the premium paid would have purchased at the rates and within the limits fixed by the insurer for such more hazardous occupation. If the insured changes his occupation to one classified by the insurer as less hazardous than that stated in this policy, the insurer, upon receipt of proof of such change of occupation, will reduce the premium rate accordingly, and will return the excess pro rata unearned premium from the date of change of occupation or from the policy anniversary date immediately preceding receipt of such proof, whichever is the more recent. In applying this provision, the classification of occupational risk and the premium rates shall be such as have been last filed by the insurer prior to the occurrence of the loss for which the insurer is liable or prior to date of proof of change in occupation with the state official having supervision of insurance in the state where the insured resided at the time this policy was issued; but if such filing was not required, then the classification of occupational risk and the premium rates shall be those last made effective by the insurer in such state prior to the occurrence of the loss or prior to the date of proof of change in occupation."

(2) A provision as follows: "*Misstatement of age*: If the age of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age."

(3) A provision as follows: "*Other insurance in this insurer*: If an accident or sickness or accident and sickness policy or policies previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for \_\_\_\_\_" (insert type of coverage or coverages) "in excess of \_\_\_\_\_" (insert maximum limit of indemnity or indemnities) "the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured or to his estate"; or, in lieu thereof: "Insurance effective at any one time on the insured under a like policy or policies in this insurer is limited to one such policy elected by the insured, his beneficiary or his estate, as the case may be, and the insurer will return all premiums paid for all other such policies."

(4) A provision as follows: "*Insurance with other insurers*: If there be other valid coverage, not with this insurer, providing benefits for the same loss on a provision of service basis or on an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability under any expense incurred coverage of this policy shall be for such proportion of the loss as the amount which would otherwise have been payable hereunder plus the total of the like amounts under all such other valid coverages for the same loss of which this insurer had notice bears to the total like amounts under all valid coverages for such loss, and for the return of such portion of the premiums paid as shall exceed the pro rata portion for the amount so determined. For the purpose of applying this provision when other coverage is on a provision of service basis, the 'like amount' of such other coverage shall be taken as the amount which the services rendered would have cost in the absence of such coverage." If the foregoing policy provision is included in a policy which also contains the next following policy provision there shall be added to the caption of the foregoing provision the phrase "\_\_\_\_\_ expense incurred benefits." The insurer, at its option, may include in this provision a definition of "other valid coverage," approved as to form by the commissioner of insurance, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the

United States or any province of Canada, and by hospital or medical service organizations, and to any other coverage the inclusion of which may be approved by the commissioner of insurance. In the absence of such definition such term shall not include group insurance, automobile medical payments insurance, or coverage provided by hospital or medical service organizations or by union welfare plans or employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workmen's compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as "other valid coverage." The provisions of this paragraph shall not apply to any individual policy of accident and sickness insurance, as defined in K.S.A. 40-2201, and amendments thereto.

(5) A provision as follows: "*Insurance with other insurers*: If there be other valid coverage, not with this insurer, providing benefits for the same loss on other than an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability for such benefits under this policy shall be for such proportion of the indemnities otherwise provided hereunder for such loss as the like indemnities of which the insurer had notice (including the indemnities under this policy) bear to the total amount of all like indemnities for such loss, and the return of such portion of the premium paid as shall exceed the pro rata portion for the indemnities thus determined." If the foregoing policy provision is included in a policy which also contains the next preceding policy provision there shall be added to the caption of the foregoing provision the phrase "\_\_\_\_\_ other benefits." The insurer, at its option, may include in this provision a definition of "other valid coverage," approved as to form by the commissioner of insurance, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and to any other coverage the inclusion of which may be approved by the commissioner of insurance. In the absence of such definition such term shall not include group insurance, or benefits provided by union welfare plans or by employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workers compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying the foregoing policy provision no third-party liability coverage shall be included as "other valid coverage." The provisions of this paragraph shall not apply to any individual policy of accident and sickness insurance, as defined in K.S.A. 40-2201, and amendments thereto.

(6) A provision as follows: "*Relation of earnings to insurance*: If the total monthly amount of loss of time benefits promised for the same loss under all valid loss of time coverage upon the insured, whether payable on a weekly or monthly basis, shall exceed the monthly earnings of the insured at the time disability commenced or the average monthly earnings for the period of two years immediately preceding a disability for which claim is made, whichever is the greater, the insurer will be liable only for such

proportionate amount of such benefits under this policy as the amount of such monthly earnings or such average monthly earnings of the insured bears to the total amount of monthly benefits for the same loss under all such coverage upon the insured at the time such disability commences and for the return of such part of the premiums paid during such two years as shall exceed the pro rata amount of the premiums for the benefits actually paid hereunder; but this shall not operate to reduce the total monthly amount of benefits payable under all such coverage upon the insured below the sum of \$200 or the sum of the monthly benefits specified in such coverages, whichever is the lesser, nor shall it operate to reduce benefits other than those payable for loss of time." The foregoing policy provision may be inserted only in a policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age 50, or (2) in the case of a policy issued after age 44, for at least five years from its date of issue. The insurer, at its option, may include in this provision a definition of "valid loss of time coverage," approved as to form by the commissioner of insurance, which definition shall be limited in subject matter to coverage provided by governmental agencies or by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, or to any other coverage the inclusion of which may be approved by the commissioner of insurance or any combination of such coverages. In the absence of such definition such term shall not include any coverage provided for such insured pursuant to any compulsory benefit statute (including any workers compensation or employer's liability statute), or benefits provided by union welfare plans or by employer or employee benefit organizations.

(7) A provision as follows: "*Unpaid premium*: Upon the payment of a claim under this policy, any premium then due and unpaid or covered by any note or written order may be deducted therefrom."

(8) A provision as follows: "*Cancellation*: The insurer may cancel this policy at any time by written notice delivered to the insured, or mailed to his last address as shown by the records of the insurer, stating when, not less than five days thereafter, such cancellation shall be effective; and after the policy has been continued beyond its original term the insured may cancel this policy at any time by written notice delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified in such notice. In the event of cancellation, the insurer will return promptly the unearned portion of any premium paid. If the insured cancels, the earned premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. If the insurer cancels, the earned premium shall be computed pro rata. Cancellation shall be without prejudice to any claim originating prior to the effective date of cancellation."

(9) A provision as follows: "*Conformity with state statutes*: Any provision of this policy which, on its effective date, is in conflict with the statutes of the state in which the insured resides on such date is hereby amended to conform to the minimum requirements of such statutes."

(10) A provision as follows: "*Illegal occupation*: The insurer shall not be liable for any loss to which a contributing cause was the insured's commission of or attempt to commit a felony or to which a contributing cause was the insured's being engaged in an illegal occupation."

(11) A provision as follows: "*Intoxicants and narcotics*: The insurer shall not be liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic unless administered on the advice of a physician."

(C) *Inapplicable or inconsistent provisions*: If any provision of this section is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy the insurer, with the approval of the commissioner of insurance, shall omit from such policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of the provision in such manner as to make the provision as contained in the policy consistent with the coverage provided by the policy.

(D) *Order of certain policy provisions*: The provisions which are the subject of subsection (A) and (B) of this section, or any corresponding provisions which are used in lieu thereof in accordance with such subsections, shall be printed in the consecutive order of the provisions in such subsections or, at the option of the insurer, any such provision may appear as a unit in any part of the policy, with other provisions to which it may be logically related, provided the resulting policy, shall not be in whole or in part unintelligible, uncertain, ambiguous, abstruse, or likely to mislead a person to whom the policy is offered, delivered or issued.

(E) *Third-party ownership*: The word "insured," as used in this act, shall not be construed as preventing a person other than the insured with a proper insurable interest from making application for and owning a policy covering the insured or from being entitled under such a policy to any indemnities, benefits and rights provided therein.

(F) *Requirements of other jurisdictions*: (1) Any policy of a foreign or alien insurer, when delivered or issued for delivery to any person in this state, may contain any provision which is not less favorable to the insured or the beneficiary than the provisions of this act and which is prescribed or required by the law of the state under which the insurer is organized.

(2) Any policy of a domestic insurer, when issued for delivery in any other state or country, may contain any provision permitted or required by the laws of such other state or country.

(G) *Filing procedure*: The commissioner of insurance may make such reasonable rules and regulations concerning the procedure for the filing or submission of policies subject to this act as are necessary, proper or advisable to the administration of this act. This provision shall not abridge any other authority granted the commissioner of insurance by law.

(H) (1) No policy issued by an insurer 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.

(2) Violation of this subsection shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.;

Also on page 4, in line 8, before "K.S.A." by inserting "K.S.A. 40-2203 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "required provisions"; also in line 1, after "amending" by inserting "K.S.A. 40-2203 and"; and the bill be passed as amended.

**HB 2216**, as amended by House Committee, be amended on page 8, following line 10, by inserting:

"Sec. 4. K.S.A. 2014 Supp. 9-511 is hereby amended to read as follows: 9-511. The following persons shall be exempt from the provisions of this act:

(a) (1) Banks, building and loan associations, savings and loan associations, savings banks or credit unions organized under the laws of and subject to the supervision of this state, another state or the United States;

(2) service providers that: (A) By written agreement with the exempt entities listed in (a)(1), provide for receipt and delivery of funds, network access, processing, clearance or settlement services in support of money transmission activities; and (B) allow the state or federal regulators with regulatory jurisdiction over the exempt entity to examine and inspect the applicable records, books and transactions relating to the service provider;

(3) the government of the United States and its agencies, including agents of the government and its agencies; or

~~(2)~~ (4) the state of Kansas and its agencies, including agents of the state of Kansas and its agencies.

(b) This act also shall not apply to the distribution, transmission or payment of money as a part of the lawful practice of law, bookkeeping, accounting or real estate sales or brokerage or as an incidental and necessary part of any lawful business activity.";

On page 9, following line 37, by inserting:

"Sec. 7. K.S.A. 2014 Supp. 9-2201 is hereby amended to read as follows: 9-2201. As used in this act:

(a) "Bona fide office" means an applicant's or licensee's principal place of business ~~which meets all of the following requirements with an office that:~~

(1) ~~The office is located in this state;~~  
 (2) ~~the office is not located in a personal residence;~~  
 (3) ~~the office has regular hours of operation;~~  
 (4) ~~the office is accessible to the public;~~  
 (5) ~~the office is leased or owned by the licensee and serves as an office for the transaction of the licensee's mortgage business;~~

(6) ~~the office is separate from any office of another registrant; and~~

(7) is accessible to all of the licensee's books, records and documents ~~are accessible through that office.~~

(b) "Branch office" means a place of business, other than a principal place of business, where mortgage business is conducted; and which is licensed as required by this act.

(c) "Commissioner" means the ~~Kansas~~ state bank commissioner.

(d) "License" means a license issued by the commissioner to engage in mortgage business as a mortgage company.

(e) "Licensee" means a person who is licensed by the commissioner as a mortgage company.

(f) "Loan originator" means an individual:

(1) Who engages in mortgage business on behalf of a single mortgage company;

(2) whose conduct of mortgage business is the responsibility of the licensee;

(3) who takes a residential mortgage loan application or offers or negotiates terms

of a residential mortgage loan for compensation or gain or in the expectation of compensation or gain; and

(4) whose job responsibilities include contact with borrowers during the loan origination process, which can include soliciting, negotiating, acquiring, arranging or making mortgage loans for others, obtaining personal or financial information, assisting with the preparation of loan applications or other documents, quoting loan rates or terms, or providing required disclosures. It does not include any individual engaged solely as a loan processor or underwriter.

(g) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction and subject to the supervision and instruction of a person registered or exempt from registration under this act.

(1) For purposes of this subsection, the term "clerical or support duties" may include subsequent to the receipt of an application:

(A) The receipt, collection, distribution and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(B) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms or counseling consumers about residential mortgage loan rates or terms.

(2) An individual engaging solely in loan processor or underwriter activities shall not represent to the public, through advertising or other means of communicating or providing information including the use of business cards, stationery, brochures, signs, rate lists or other promotional items, that such individual can or will perform any of the activities of a loan originator.

(h) "Nationwide mortgage licensing system and registry" means a mortgage licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators for the licensing and registration of licensed mortgage loan originators.

(i) "Mortgage business" means engaging in, or holding out to the public as willing to engage in, for compensation or gain, or in the expectation of compensation or gain, directly or indirectly, the business of making, originating, servicing, soliciting, placing, negotiating, acquiring, selling, or arranging for others, or offering to solicit, place, negotiate, acquire, sell or arrange for others, mortgage loans in the primary market.

(j) "Mortgage company" means a person engaged in mortgage business from a principal place of business or branch office, which has been licensed as required by this act.

(k) "Mortgage loan" means a loan or agreement to extend credit made to a natural person which is secured by a first or second mortgage, deed of trust, contract for deed or other similar instrument or document representing a security interest or lien, except as provided for in K.S.A. 60-1101 through 60-1110, and amendments thereto, upon any lot intended for residential purposes or a one-to-four family dwelling as defined in ~~section 103(v) of the truth in lending act~~, 15 U.S.C. § 1602(v)(w), located in this state, occupied or intended to be occupied for residential purposes by the owner, including the renewal or refinancing of any such loan.

(l) "Person" means any individual, sole proprietorship, corporation, partnership, trust, association, joint venture, pool syndicate, unincorporated organization or other form of entity, however organized.

(m) "Primary market" means the market wherein mortgage loans are originated between a lender and a borrower, whether or not through a mortgage broker or other means.

(n) "Principal place of business" means a licensed place of business where mortgage business is conducted, which has been designated by a licensee as the primary headquarters from which all mortgage business and administrative activities are managed and directed.

(o) "Promotional items" means pens, pencils, hats and other such novelty items.

(p) "Registrant" means any individual who holds a valid registration to conduct mortgage business in this state as a loan originator.

(q) "Unique identifier" means a number or other identifier assigned by protocols established by the nationwide mortgage licensing system and registry.

Sec. 8. K.S.A. 2014 Supp. 9-1111 is hereby amended to read as follows: 9-1111. The general business of every bank shall be transacted at the place of business specified in ~~its~~ the bank's certificate of authority and at one or more branch banks established and operated as provided in this section. Except for the establishment or operation of a trust branch bank or the relocation of an existing trust branch bank pursuant to K.S.A. 9-1135, and amendments thereto, it shall be unlawful for any bank to establish and operate any branch bank or relocate an existing branch bank except as hereinafter provided. Notwithstanding the provisions of this section, any location at which a depository institution, as defined by K.S.A. 9-701, and amendments thereto, receives deposits, renews time deposits, closes loans, services loans or receives payments on loans or other obligations, as agent, for a bank pursuant to ~~subsection (25)~~ (25) of K.S.A. 9-1101, and amendments thereto, or other applicable state or federal law, or is authorized to open accounts or receive deposits under ~~subsection (28)~~ (28) of K.S.A. 9-1101, and amendments thereto, shall not be deemed to be a branch bank:

(a) For the purposes of this section, the term "branch bank" means any office, agency or other place of business located within this state, other than the place of business specified in the bank's certificate of authority, at which deposits are received, checks paid, money lent or trust authority exercised, if approval has been granted by the state bank commissioner, under K.S.A. 9-1602, and amendments thereto;

(b) establishment of a new branch or relocation of an existing branch for eligible banks:

(1) After first applying for and obtaining the approval of the commissioner, an eligible bank incorporated under the laws of this state, may establish and operate one or more branch banks or relocate an existing branch bank, anywhere within this state;

(2) the application shall include the nature of the banking business to be conducted at the proposed branch bank, the primary geographical area to be served by ~~it~~ the proposed branch bank, the personnel and office facilities to be provided at the proposed branch bank and other information the commissioner may require;

(3) the application shall include the name selected for the proposed branch bank. The name selected for the proposed branch bank shall not be the name of any other bank or branch bank doing business within a 15 mile radius of the same city or town, nor shall the name selected be required to contain the name of the applicant bank. If the name selected for the proposed branch bank does not contain the name of the applicant bank, the branch bank shall provide in the public lobby of such branch bank, a public notice that ~~it~~ such bank is a branch bank of the applicant bank;

(4) the application shall include proof of publication of notice that the applicant bank intends to file or has filed an application to establish a branch bank or relocate an existing branch bank. The notice shall be published in a newspaper of general circulation in the county where the applicant bank proposes to locate the branch bank. The notice shall be in the form prescribed by the commissioner and at a minimum shall contain the name and address of the applicant bank, the location of the proposed branch and a solicitation for written comments. The notice shall be published on the same day for two consecutive weeks and provide for a comment period of not less than 10 days after the date of the second publication;

(5) upon receipt of the application, and following expiration of the comment period, the commissioner may hold a hearing in the county in which the applicant bank seeks to operate the branch bank. The applicant shall publish notice of the time, date and place of such hearing in a newspaper of general circulation in the county where the applicant bank proposes to locate the branch bank, not less than 10 nor more than 30 days prior to the date of the hearing, and proof of publication shall be filed with the commissioner. At any such hearing, all interested persons shall be allowed to present written and oral evidence to the commissioner, or the commissioner's designee, in support of or in opposition to the branch bank. Upon completion of a transcript of the testimony given at any such hearing, the transcript shall be filed in the office of the commissioner;

(6) if the commissioner determines a public hearing is not warranted, the commissioner shall approve or disapprove the application within 15 days after receipt of a complete application but not prior to the end of the comment period. If a public hearing is held, the commissioner shall approve or disapprove the application within 60 days after consideration of the complete application and the evidence gathered during the commissioner's investigation. The period for consideration of the application may be extended if the commissioner determines the application presents a significant supervisory concern. If the commissioner finds that:

(A) There is a reasonable probability of usefulness and success of the proposed branch bank; and

(B) the applicant bank's financial history and condition is sound, the new branch or relocation shall be granted, otherwise, ~~it~~ the relocation shall be denied;

(7) within 15 days after any final action of the commissioner approving or disapproving an application, the applicant, or any adversely affected or aggrieved person who provided written comments during the specified comment period, may request a hearing with the state banking board. Upon receipt of a timely request, the board shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act. Any decision of the state banking board is subject to review in accordance with the Kansas judicial review act;

(c) the establishment of a new branch or relocation of an existing branch for banks which do not meet the definition of "eligible bank" shall require that:

(1) After first applying for and obtaining the approval of the state banking board, a bank incorporated under the laws of this state, which does not meet the definition of "eligible bank," may establish and operate one or more branch banks, or relocate an existing branch bank, anywhere within this state;

(2) an application under paragraph (1) of this subsection, to establish and operate a branch bank or to relocate an existing branch bank shall be in such form and contain

such information as the rules and regulations of the state bank commissioner, adopted pursuant to K.S.A. 9-1713, and amendments thereto, shall provide;

~~(3)~~ the application shall include (A) Estimates of the annual income and expenses of the proposed branch bank, the annual volume of business to be transacted by it, the nature of the banking business to be conducted at the proposed branch bank, the primary geographical area to be served by it and the personnel and office facilities to be provided at the proposed branch bank;

~~(4)~~ the application shall include (B) the name selected for the proposed branch bank. The name selected for the proposed branch bank shall not be the name of any other bank or branch bank doing business within a 15 mile radius of the same city or town, nor shall the name selected be required to contain the name of the applicant bank. If the name selected for the proposed bank does not contain the name of the applicant bank, the branch bank shall provide in the public lobby of such branch bank, a public notice that it is a branch bank of the applicant bank; and

~~(5)~~ the application shall include (C) proof of publication of notice that applicant bank intends to file an application to establish a branch bank or relocate an existing branch bank. The notice shall be published in a newspaper of general circulation in the county where the applicant bank proposes to locate the branch bank. The notice shall be in the form prescribed by the state banking board and at a minimum shall contain the name and address of the applicant bank, the location of the proposed branch and a solicitation for written comments. The notice shall be published on the same day for two consecutive weeks and provide for a comment period of not less than 10 days after the date of the second publication;

~~(6)~~ (3) upon receipt of an application meeting the ~~above~~ requirements of paragraph (2), and following the expiration of the comment period, within 60 days the state banking board may hold a hearing in the county in which the applicant bank seeks to establish and operate a branch bank. Notice of the time, date and place of such hearing if one is to be held shall be published in a newspaper of general circulation in the county where the applicant bank proposes to locate the branch bank not less than 10 or more than 30 days prior to the date of the hearing, and proof of publication shall be filed with the commissioner. At any such hearing, all interested persons shall be allowed to present written and oral evidence to the board in support of or in opposition to the application. Upon completion of a transcript of the testimony given at any such hearing, the transcript shall be filed in the office of the commissioner and copies shall be furnished to the members of the state banking board not less than 10 days prior to the meeting of the board at which the application will be considered;

~~(7)~~ (4) the state banking board shall approve or disapprove the application within 90 days after consideration of the application and the evidence gathered during the board's investigation. If the board finds that:

(A) There is a reasonable probability of usefulness and success of the proposed branch bank; and

(B) the applicant bank's financial history and condition is sound, the application shall be granted, otherwise; the application shall be denied; and

~~(8)~~ (5) any final action of the board approving or disapproving an application shall be subject to review in accordance with the Kansas judicial review act upon the petition of the applicant or any adversely affected or aggrieved person who provided written comments during the specified comment period;

(d) any branch bank lawfully established and operating on the effective date of this act may continue to be operated by the bank then operating the branch bank and by any successor bank;

(e) branch banks which have been established and are being maintained by a bank at the time of ~~its~~ the branch bank's merger into or consolidation with another bank or at the time ~~its~~ such branch bank's assets are purchased and ~~its~~ the branch bank's liabilities are assumed by another bank may continue to be operated by the surviving, resulting or purchasing and assuming bank. The surviving, resulting or purchasing and assuming bank, with approval of the state bank commissioner, may establish and operate a branch bank or banks at the site or sites of the merged, constituent or liquidated bank or banks;

(f) any state bank or national banking association may provide and engage in banking transactions by means of remote service units wherever located, which remote service units shall not be considered to be branch banks. Any banking transaction effected by use of a remote service unit shall be deemed to be transacted at a bank and not at a remote service unit;

(g) as a condition to the operation and use of any remote service unit in this state, a state bank or national banking association, each hereinafter referred to as a bank, which desires to operate or enable its customers to utilize a remote service unit must agree that such remote service unit will be available for use by customers of any other bank or banks upon the request of such bank or banks to share ~~its~~ the remote service unit's use and the agreement of such bank or banks to share all costs, including a reasonable return on capital expenditures incurred in connection with ~~its~~ the remote service unit's development, installation and operation. The owner of the remote service unit, whether a bank or any other person, shall make the remote service unit available for use by other banks and ~~their~~ the bank's customers on a nondiscriminatory basis, conditioned upon payment of a reasonable proportion of all costs, including a reasonable return on capital expenditures incurred in connection with the development, installation and operation of the remote service unit. Notwithstanding the foregoing provisions of this subsection, a remote service unit located on the property owned or leased by the bank where the principal place of business of a bank, or an attached auxiliary teller facility or branch bank of a bank, is located need not be made available for use by any other bank or banks or customers of any other bank or banks;

(h) for purposes of this section, "remote service unit" means an electronic information processing device, including associated equipment, structures and systems, through or by means of which information relating to financial services rendered to the public is stored and transmitted, ~~whether instantaneously or otherwise,~~ to a bank and which, for activation and account access, is dependent upon the use of a machine-readable instrument in the possession and control of the holder of an account with a bank or is activated by a person upon verifiable personal identification. The term shall include "online" computer terminals that may be equipped with a telephone or televideo device that allows contact with bank personnel and "offline" automated cash dispensing machines and automated teller machines, ~~but shall not include computer terminals or automated teller machines or automated cash dispensing machines using systems in which account numbers are not machine read and verified~~. Withdrawals by means of "offline" systems shall not exceed \$300 per transaction and shall be restricted to individual not corporate or commercial accounts;

(i) for purposes of this section, "eligible bank" means a state bank that meets the

following criteria:

- (1) Received a composite rating of 1 or 2 under the uniform financial institutions rating system as a result of its most recent federal or state examination;
- (2) meets the following three criteria for a well capitalized bank:
  - (A) Has a total risk based capital ratio of 10% or greater;
  - (B) has a tier one risk based capital ratio of 6% or greater; and
  - (C) has a leverage ratio of 5% or greater; and
- (3) is not subject to a cease and desist order, consent order, prompt corrective action directive, written agreement, memorandum of understanding or other administrative agreement with ~~its~~ the bank's primary federal regulator or the office of the state bank commissioner.";

Also on page 9, in line 38, after "9-510," by inserting "9-511, "; also in line 38, by striking "and" and inserting a comma; also in line 38, after "9-513b" by inserting ", 9-1111 and 9-2201";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "banking" by inserting ", financial institutions"; in line 2, after "act" by inserting ", the Kansas mortgage business act, branch banking, remote service units"; also in line 2, after "9510," by inserting "9-511, "; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "9-513b" by inserting ", 9-1111 and 9-2201"; and the bill be passed as amended.

**HB 2259**, as amended by House Committee, be amended on page 1, following line 35, by inserting:

"Sec. 2. K.S.A. 10-123 is hereby amended to read as follows: 10-123. (a) (1) If a municipality has approved an improvement for which ~~it~~ the municipality is authorized to finance, in whole or in part, by the issuance of bonds, the governing body of the municipality may issue temporary notes, ~~bearing that:~~

(A) Bear interest at a rate not to exceed the maximum rate of interest prescribed by K.S.A. 10-1009, and amendments thereto;

(B) are payable in accordance with the terms of the notes;

(C) maturing mature not later than four years from the date of the notes; and

(D) do not exceeding exceed, in the aggregate, the amount of bonds which may be issued and are then unissued, as shown by the approved estimates on file.

(2) If bonds may be issued; for purposes for which state or federal aid is available, the amount of the notes shall not exceed the total amount of any unissued bonds and the state and federal aid granted to the project. Any municipality may issue renewal temporary notes to pay for the cost of taking up any previously issued temporary notes as ~~they~~ the notes mature when:

(A) All aspects of the improvement will not be completed at the maturity date of the notes; or

(B) ~~when~~ the municipality has completed the improvements and the issuance of bonds is prevented, hindered or delayed.

(b) (1) The temporary notes shall be in a form determined by ordinance or resolution; that are acceptable for registration by the state treasurer. ~~The entire temporary note shall be contained on one sheet of paper.~~ The notes shall be executed and registered in the same manner as the bonds; and shall be redeemed and canceled before or at the time permanent bonds are issued in lieu thereof. ~~The amount of temporary notes and bonds issued and outstanding shall not at any time exceed the~~

~~estimated cost and expense of the improvement.~~ Temporary notes may be retired, in whole or in part, from current revenues of the municipality authorized for such purpose.

(2) ~~The temporary notes;~~

(A) ~~May be issued from time to time, as required during the progress of the work;~~

(B) ~~shall be negotiable in accordance with ~~their~~ the terms of the notes; and~~

(C) ~~shall constitute a general obligation of the municipality issuing the same.~~

(3) ~~The temporary notes shall not be negotiable in accordance with ~~their~~ the terms of the notes until the notes are signed, registered and then countersigned, following registration,~~ by the clerk of the issuing municipality; and include a statement to that effect ~~shall appear~~ on the face of all such temporary notes.

(4) ~~The temporary notes may be sold in the manner determined by the municipality.~~

(c) The amount of temporary notes and bonds issued and outstanding shall not, at any time, exceed the estimated cost and expense of the improvement.;

Also on page 1, in line 36, after "K.S.A." by inserting "10-123 and"; also in line 36, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking "deadlines" and inserting "municipal finance; relating to temporary notes for improvements, indebtedness reporting"; also in line 2, after "K.S.A." by inserting "10-123 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2165**, as amended by House Committee, be amended on page 1, following line 4, by inserting:

"Section 1. K.S.A. 12-2908 is hereby amended to read as follows: 12-2908. (a) When used in this act, "municipality" means a city, county ~~or~~, township, school district, library district, road district, water district, drainage district, sewer district or fire district.

(b) Any municipality may contract with any municipality to perform any governmental service, activity or undertaking which each contracting municipality is authorized by law to perform. The contract shall be authorized by the governing body of the municipality and shall state the purpose of the contract and the powers and duties of the parties thereunder.

(c) A contract entered into pursuant to this section shall not be regarded as an interlocal agreement under the provisions of K.S.A. 12-2901 et seq., and amendments thereto.";

Also, on page 1, following line 21, by inserting:

"Sec. 3. K.S.A. 19-27a19 is hereby amended to read as follows: 19-27a19. All contracts for any construction of all or part of a sewer system, the cost of which shall exceed ~~\$1,000~~ \$2,500, shall be awarded on a public letting to the lowest responsible bidder and in the manner provided by K.S.A. 19-214, 19-215 and 19-216, and amendments thereto.";

Also on page 1, in line 22, after "K.S.A." by inserting "12-2908,"; also in line 22, by striking "is" and inserting "and 19-27a19 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "municipalities; contacts; filling vacancies in"; also in line 1, after "K.S.A." by inserting "12-2908,"; in line 2, after "2761" by inserting "and 19-27a19"; also in line 2, by striking "section" and

inserting "sections"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HB 2192** be passed.

Committee on **Transportation** recommends **SB 245** be passed.

Committee on **Ways and Means** recommends **HB 2009**, as amended by House Committee, be passed.

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator King the Senate nonconcurred in the House amendments to **SB 113** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

### 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 Knox in the chair.

On motion of Senator Knox, the following report was adopted.

**SB 161** be passed.

**SB 246; HB 2006, HB 2025, HB 2231** be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Schmidt to amend **HB 2231** failed, division was requested and the following amendment was rejected: on page 2, following line 39, by inserting:

"(7) (A) If the commission determines that the financial assurance provided by an operator pursuant to subsection (d) is insufficient to assure the financial responsibility of the operator, the commission shall require additional financial assurance pursuant to rules and regulations established by the commission.

(B) The commission shall establish rules and regulations required in this subsection within 12 months of the effective date of this act."

A motion by Senator Holland to amend **HB 2231** failed.

The committee report on **SB 155** recommending **Sub SB 155** be adopted, and the substitute bill be passed.

**HB 2051** be amended by adoption of the committee amendments, a motion by Senator O'Donnell to amend **HB 2051** was withdrawn and **HB 2051** be passed over and retain a place on the calendar.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, March 19, 2015.

# Journal of the Senate

FORTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 19, 2015, 2:30 p.m.

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

The roll was called with 38 senators present.

Senators Hawk and Pettey were excused.

Vice President King introduced the guest Chaplain, Reverend Trevor Jacobs of Jesus Saves Ministries, who delivered the invocation. He is a guest of Senator Tyson.

Dear Lord God, Creator of Heaven and Earth. We thank You for giving us this beautiful day. We thank You for friends and family that You have blessed us with. We thank You that You are Holy and Pure in all Your ways God. Your Word is Truth and knowing Your Truth will set us free. God, help us in this great time of need for our nation, for our state, and for our families. God, direct our hearts, not for what we want but for others and for Your glory. God, remind us that You have placed us here not to be served but to serve. We ask for Your wisdom to make God-honoring decisions for those we serve. We ask for the strength and boldness to do what is right in Your eyes. Teach us Lord, to be humble, as You have called us to be. Show us how to bless those around us with Your Divine love and mercy. Lord, help us to be compassionate to those who are in need, to be a voice for the voiceless, to be strong and defend the weak. God, give us the courage to follow through with the commitments we have made to You. In Jesus 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 294**, AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal year ending June 30, 2016, for the department of education; creating the education finance act of 2015; amending K.S.A. 12-1677, 12-1775a, 72-1414, 72-6757, 72-8230, 72-8233, 72-8236, 75-1120a, 79-2001 and 79-5105 and K.S.A. 2014 Supp. 10-1116a, 12-1770a, 72-1398, 72-1923, 72-64b01, 72-64c05, 72-67,115, 72-8187, 72-8251, 72-8316, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213 and 79-2925b and repealing the existing sections; also repealing K.S.A. 2014 Supp. 79-213f, 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 291, SB 292.**  
 Corrections and Juvenile Justice: **HB 2382.**  
 Ways and Means: **SB 293; HB 2268.**

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2089, HB 2125, HB 2191, HB 2223, HB 2331.**

The House accedes to the request of the Senate for a conference on **SB 113** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2089, HB 2125, HB 2191, HB 2223, HB 2331** were thereupon introduced and read by title.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Faust-Goudeau and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1727—

A RESOLUTION recognizing the members of Delta Sigma Theta Sorority, Inc. for their outstanding service to the citizens of our state, our nation and the international community, and for their promotion of sisterhood, scholarship and service.

WHEREAS, Delta Sigma Theta Sorority, Inc. is a private, not-for-profit organization whose purpose is to provide assistance and support through established programs in local communities throughout the world. The organization is a sisterhood of predominantly black, college-educated women; and

WHEREAS, On January 13, 2015, Delta Sigma Theta Sorority, Inc. celebrated 102 years of thoughtful service to and conscientious leadership in communities throughout the United States and the world in diverse fields relating to public service and the organization's five-point programmatic thrust: economic development, educational development, international awareness and involvement, physical and mental health and political awareness and involvement; and

WHEREAS, On January 13, 1913, Delta Sigma Theta Sorority, Inc. was founded at Howard University in the District of Columbia by: Osceola Macarthy Adams, Marguerite Young Alexander, Winona Cargile Alexander, Ethel Cuff Black, Bertha Pitts Campbell, Zephyr Chisom Carter, Edna Brown Coleman, Jessie McGuire Dent, Frederica Chase Dodd, Myra Davis Hemmings, Olive Jones, Jimmie Bugg Middleton, Pauline Oberdorfer Minor, Vashti Turley Murphy, Naomi Sewell Richardson, Mamie Reddy Rose, Eliza Pearl Shippen, Florence Letcher Toms, Ethel Carr Watson, Wertie Blackwell Weaver, Madree Penn White and Edith Motte Young; and

WHEREAS, In March 1913, the founders of Delta Sigma Theta Sorority, Inc. participated in the Women's Suffrage March in the District of Columbia, the sorority's first public act; and

WHEREAS, Since its founding, more than 200,000 women have joined the organization. Delta Sigma Theta Sorority, Inc. has eight chapters within Kansas and

1,000 chapters in the United States, England, Japan, Germany, the Virgin Islands, Bermuda, the Bahamas and South Korea: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize the members of Delta Sigma Theta Sorority, Inc. for their outstanding service to the citizens of our state, our nation and the international community, and for their promotion of sisterhood, scholarship and service; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Faust-Goudeau, Senator Haley, Carly Cooper, Daphne Maxwell, Sue Wilson, Barbara Wright, Montika Allen-Atkinson, Trudy Baker, Lula McCray, Tami Farr Smith, Bernice Bullard, Stephanie Bullard-Nurse, Jenya Rhone, Chevelle Wagstaff, Alexis Barnett-Sherrill, Meika Berry, Breda Burkhalter, Donna M. Douglas, Tempie Hurssey, Saundra Jones-Lyons, Barbara Mackey and Emile McGill.

On emergency motion of Senator Faust-Goudeau **SR 1727** was adopted by voice vote.

Guests present included: Carly Cooper, Daphne Maxwell, Barbara Wright, Montika Allen-Atkinson, Trudy Baker, Lula McCray, Tami Farr Smith, Stephanie Bullard-Nurse, Bernice Bullard, Breda Burkhalter, Donna Douglas, Emile McGill, Dr. Mildred Edwards, Krista Hill Combs, MaKayla Harding, Marygrace Mba and Kerisha Broadus.

Senators honored the guests with a standing ovation.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**Sub SB 155**, AN ACT concerning insurance; relating to surplus lines coverage; defining terms; relating to gross premiums and tax thereon; nonadmitted insurers authorized to write excess coverage on Kansas risks; amending K.S.A. 2014 Supp. 40-246b, 40-246c and 40-246e and repealing the existing sections; also repealing K.S.A. 2014 Supp. 40-5701, 40-5702 and 40-5703, 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Hawk, Pettey.

The bill passed.

**SB 161**, AN ACT concerning the state board of regents; relating to university support staff; amending K.S.A. 2014 Supp. 76-715a and 76-715b 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Hawk, Pettey.

The bill passed.

**SB 246**, AN ACT concerning the department of administration; relating to energy audits; requirements; amending K.S.A. 2014 Supp. 75-37,128 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

**HB 2006**, AN ACT concerning veterans; relating to license plates for disabled veterans; pertaining to parking in certain public parking spaces; amending K.S.A. 2014 Supp. 8-161 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

**HB 2025**, AN ACT concerning the Kansas law enforcement training act; amending K.S.A. 2014 Supp. 74-5616 and 74-5622 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

**HB 2231**, AN ACT concerning oil and gas; relating to oil and gas wells, licensing of well operators, fees; relating to the abandoned oil and gas well fund, extension; amending K.S.A. 2014 Supp. 55-155 and 55-193 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Francisco.  
Absent or Not Voting: Hawk, Pettey.  
The bill passed, as amended.

#### COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Smith in the chair.

On motion of Senator Smith the following report was adopted:

**SB 86, SB 175; HB 2023, HB 2066, HB 2085, HB 2267** be passed.

A motion by Senator Hensley to amend **HB 2023** failed and the following amendment was rejected: on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2014 Supp. 45-217 is hereby amended to read as follows: 45-217. As used in the open records act, unless the context otherwise requires:

(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this state or by the respective political subdivision of this state.

(b) "Clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person, including information that may pose a risk to a person or property and is not of legitimate concern to the public.

(c) "Criminal investigation records" means records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701, and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2014 Supp. 21-5406, and amendments thereto.

(d) "Custodian" means the official custodian or any person designated by the official custodian to carry out the duties of custodian of this act.

(e) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

(f) (1) "Public agency" means the state or any political or taxing subdivision of the state or any office, officer, agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" shall not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court; or (C) any officer or employee of the state or political or taxing subdivision of the state if the state or political or taxing subdivision does not provide the officer or employee with an office which is open to the public at least 35 hours a week.

(g) (1) "Public record" means any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any

public agency including, but not limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund. Public record includes any recorded information made, maintained or kept on a personal electronic device by a public agency in furtherance of the public agency's duties related to the functions, activities, programs or operations funded by public funds.

(2) "Public record" shall not include records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds or records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state.

(3) "Public record" shall not include records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this subsection shall not apply to records of employers of lump-sum payments for contributions as described in this subsection paid for any group, division or section of an agency.

(h) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.";

On page 6, in line 30, after "Supp." by inserting "45-217,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "the open records act; relating to public records and personal electronic devices;"; in line 2, after "Supp." by inserting "45-217,"

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

On roll call, the vote was: Yeas 6; Nays 32; Present and Passing 0; Absent or Not Voting 2.

Yeas: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly.

Nays: Abrams, Arpke, Baumgardner, 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, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Hawk, Pettey.

**SB 98, SB 276; HB 2010, HB 2364** be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **S Sub HB 2090** recommending **S Sub HB 2090** be adopted, and the substitute bill be passed.

**SB 42** be amended by the adoption of the committee amendments, be amended by motion of Senator Pyle, on page 1, in line 6, before "with" by inserting "shall file"; also in line 6, by striking "shall file"; in line 7, after "from" by inserting ": (1)"; also in line 7, after "entity" by inserting "; or (2) any association or organization which receives public funds"; in line 9, after "lobbyist" by inserting "and which association or organization which receives public funds hired such lobbyist"; in line 16, by striking "(b)"; also in line 16, after "to" by inserting "this"; also in line 17, by striking "(a)"; in line 19, by striking "(c)" and inserting "(b)

**SB 42** be further amended by motion of Senator Pyle, on page 1, in line 6, before "with" by inserting "shall file"; also in line 6, by striking "shall file"; in line 16, by striking "(b)"; also in line 16, after "to" by inserting "this"; in line 17, by striking "(a)"; following line 18, by inserting:

"(b) Any governmental entity that is required to publish any appropriation or budget pursuant to K.S.A. 79-2925b(c), and amendments thereto, shall publish the information required by this subsection in the same manner that such governmental entity publishes an appropriation or budget pursuant to K.S.A. 79-2925b(c), and amendments thereto. The information required shall be:

(1) An itemized listing of all public funds used by such governmental entity for the purpose of:

(A) Employing or contracting for the services of a lobbyist;

(B) paying membership dues or providing any other type of financial support to an association that employs a lobbyist; or

(C) paying membership dues or providing any other type of financial support to an association that has an affiliated organization that employs a lobbyist and the name of the affiliated organization.

(2) An itemized list of all lobbyists who received public funds from such governmental entity, all lobbyists hired by any association which receives public funds from such governmental entity and an itemized list of all lobbyists hired by associations and affiliated organizations that receive public funds from such government and **SB 42** be passed as further amended.

**SB 193** be amended by the adoption of the committee amendments, be amended by motion of Senator Melcher, on page 2, in line 20, by striking "initial federal student loan" and inserting "degree investment"

**SB 193** be further amended by motion of Senator Francisco, on page 1, in line 5, by striking "January" and inserting "July"; following line 15, by inserting:

"(3) the expected number of years to obtain the degree from such postsecondary educational institution;"

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 1, in line 34, by striking "three" and inserting "six";

By striking all on page 4 and inserting:



amendments thereto, or an autocycle as defined in section 1, and amendments thereto, on a highway as defined in K.S.A. 8-1424, and amendments thereto, shall provide for the protection of such child by properly using:

(1) For a child under the age of four years an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213;

(2) for a child four years of age, but under the age of eight years and who weighs less than 80 pounds or is less than 4 feet 9 inches in height, an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213; or

(3) for a child eight years of age but under the age of 14 years or who weighs more than 80 pounds or is more than 4 feet 9 inches in height, a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208.

(b) If the number of children subject to the requirements of subsection (a) exceeds the number of passenger securing locations available for use by children affected by such requirements, and all of these securing locations are in use by children, then there is not a violation of this section.

(c) If a securing location only has a lap safety belt available, the provisions of subsection (a)(2) shall not apply and the child shall be secured in accordance with the provisions of subsection (a)(3).

Sec. 10. K.S.A. 2014 Supp. 8-1345 is hereby amended to read as follows: 8-1345.

(a) It shall be unlawful for any driver to violate the provisions of K.S.A. 8-1344, and amendments thereto, and upon conviction such driver shall be punished by a fine of \$60. The failure to provide a child safety restraining system or safety belt for more than one child in the same passenger car, or autocycle as defined in section 1, and amendments thereto, at the same time shall be treated as a single violation. Any conviction under the provisions of this subsection shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(b) The \$60 fine provided for in subsection (a) shall be waived if the driver convicted of violating ~~subsection (a)(1) or (a)(2) of K.S.A. 8-1344(a)(1) or (2),~~ and amendments thereto, provides proof to the court that such driver has purchased or acquired the appropriate and approved child passenger safety restraining system. At the time of issuing the citation for a violation of ~~subsection (a)(1) or (a)(2) of K.S.A. 8-1344(a)(1) or (2),~~ and amendments thereto, the law enforcement officer shall notify the driver of the waiver provisions of this subsection.

(c) No driver charged with violating the provisions of this act shall be convicted if such driver produces in the office of the arresting officer or in court proof that the child was 14 years of age or older at the time the violation was alleged to have occurred.

(d) Evidence of failure to secure a child in a child passenger safety restraining system or a safety belt under the provisions of K.S.A. 8-1344, and amendments thereto, shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(e) From and after the effective date of this act, and prior to July 1, 2007, a law enforcement officer shall issue a warning citation to anyone violating ~~subsection (a)(2) of K.S.A. 8-1344(a)(2),~~ and amendments thereto.";

Also on page 10, in line 29, after "234b," by inserting "8-1344, 8-1345,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first semicolon by inserting "child passenger safety restraints;"; in line 3, after "8-234b," by inserting "8-1344, 8-1345," and **HB 2044** be passed as further amended.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 42, SB 86, SB 98, SB 175, SB 193, SB 276; HB 2010, HB 2023, HB 2044, HB 2066, HB 2085; S Sub HB 2090; HB 2267** and **HB 2364** were advanced to Final Action and roll call.

**SB 42**, AN ACT concerning governmental ethics; relating to use of public funds for lobbying.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: It is said that imitation is the sincerest form of flattery. I am proud to see that the light that started shining in 2013 with **S Sub HB 2141** is inspiring other lights. When it comes to government transparency and accountability there is no such thing as too much light. I vote "Aye" on **SB 42**.—DENNIS PYLE

**SB 86**, AN ACT creating the Kansas transparency act; concerning legislative meetings; providing for live audio broadcasts.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Hawk, Pettey.

The bill passed.

**SB 98**, AN ACT concerning openness in government; amending K.S.A. 2014 Supp. 45-219, 46-1207a and 75-4318 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

**SB 175**, AN ACT concerning postsecondary education; relating to the exercise of religious beliefs by student associations.

Upon a showing of five hands, a call of the Senate was requested.

On roll call, the vote was: Yeas 30; Nays 8; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, McGinn, Schmidt.

Absent or Not Voting: Hawk, Pettey.

The bill passed.

The call of the Senate was lifted.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on **SB 175**. Despite the pre-text of strict inclusion of only "like-minded" members of religious organizations on college campuses; this bill goes potentially further and can afford organizations opportunity to openly discriminate as to the make up of their body politics based ambiguous standards. What are the litmus tests of your own faith, Mr. Vice President? Shouldn't an organization on a campus of higher learning be a place to affiliate, to learn, to affirm... or even to change? As a former Republican but now a many multi-year Democrat, I know views can change if exposed to differing, but persuasive, intellect and reason. What better place to learn than on campus? **SB 175** codifies certain tenets of discrimination that should never be considered in any civil state legislature. When Sammy Davis Jr. was asked by Archie Bunker, (on the situation comedy "All in the Family") "I know you were born black, you had nothing to do with that, but whatever made you become a Jew?!" Bigotry can sometimes be comic, but the open ability for quasi-taxpayer supported organizations (along with student fees) to potentially discriminate openly should not be supported in this state and time.—DAVID HALEY

Senators Faust-Goudeau, Francisco and Hensley request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **SB 175**.

**SB 193**, AN ACT concerning postsecondary educational institutions; relating to degree program transparency.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Schmidt.

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

## EXPLANATION OF VOTE

Mr. Vice President: I appreciate the effort to have a consistent reporting template for post-secondary institutions in Kansas through the passage of **SB 193**, and for the amendments made in committee and on the floor that I believe improve the template for the prospectus. I am concerned, however, that the requirements for postsecondary institutions to report the salary distribution among their students who become employed in the degree field mean that each institution will need to obtain such specific information from their graduates. That data will likely be less consistent and much more expensive than reliance on existing entry and median salary data that is currently available. I cannot in good conscience, in this year when we have again reduced funding for our post-secondary institutions, add this expensive and possibly misleading requirement. I vote “No” on **SB 193**.—MARCI FRANCISCO

**SB 276**, AN ACT concerning corporations and business entities; relating to business filings with the secretary of state; limited liability companies; amending K.S.A. 17-6601, 17-6602, 17-7002, 56-1a152 and 56-1a153 and K.S.A. 2014 Supp. 17-7673, 17-7674, 17-7675, 17-7677, 17-7680, 17-7681, 17-76,128, 17-76,143, 17-76,146, 17-7910, 17-7912, 17-7916, 17-7918, 17-7931, 17-7932, 17-7933, 17-7934 and 17-7937 and repealing the existing sections; also repealing K.S.A. 17-7304, 17-7308 and 56-1a508 and K.S.A. 2014 Supp. 17-7664, 17-7666, 17-7673a, 17-7674a, 17-7676, 17-7677a, 17-7678, 17-7683, 17-76,121, 17-76,121a, 17-76,122, 17-76,123, 17-76,124, 17-76,125, 17-76,127 and 56-1a156.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

**HB 2010**, AN ACT concerning information technology; relating to the office of information technology services; providing for information technology audits; amending K.S.A. 46-1128 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

**HB 2023**, AN ACT concerning legislative review of exceptions to open records; amending K.S.A. 2014 Supp. 45-229 and 60-3351 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Hawk, Pettey.

The bill passed.

**HB 2044**, AN ACT concerning motor vehicles; relating to autocycles; definitions; safety belts; child passenger safety restraints; requirements; amending K.S.A. 8-1438 and 8-1594 and K.S.A. 2014 Supp. 8-126, 8-234b, 8-1344, 8-1345, 8-1486, 8-1598 and 8-2503 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

**HB 2066**, AN ACT concerning insurance companies; relating to investments; amending K.S.A. 40-2a05, 40-2a12, 40-2a16, 40-2a25, 40-2a26, 40-2b04, 40-2b05, 40-2b09, 40-2b13, 40-2b26 and 40-2b27 and K.S.A. 2014 Supp. 40-2a27, 40-2a28, 40-2b28 and 40-2b29 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Hawk, Pettey.

The bill passed.

**HB 2085**, AN ACT concerning the Kansas turnpike authority; relating to annual reports; contracts between the secretary of transportation and the authority; director; amending K.S.A. 68-2015 and K.S.A. 2014 Supp. 68-2003, 68-2021 and 68-2021a and repealing the existing sections.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Hensley.

Absent or Not Voting: Hawk, Pettey.

The bill passed.

**S Sub HB 2090**, AN ACT concerning motor vehicles; relating to registration; decals for license plates, serial numbers; apportioned fleet registration, mileage applications, fees and calculations; permanent registration of certain vehicles, annual report; amending K.S.A. 8-1,107 and K.S.A. 2014 Supp. 8-134 and 8-1,134 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Hawk, Pettey.

The substitute bill passed.

**HB 2267**, AN ACT concerning alternative project delivery; relating to notice requirements and selection procedure; amending K.S.A. 2014 Supp. 72-6760f, 75-37,143, 75-37,144, 75-37,145, 76-7,131 and 76-7,132 and repealing the existing sections.

Upon a showing of five hands, a call of the Senate was requested.

On roll call, the vote was: Yeas 34; Nays 4; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Francisco, Haley, Hensley, Holland.

Absent or Not Voting: Hawk, Pettey.

The bill passed.

The call of the Senate was lifted.

**HB 2364**, AN ACT concerning the veterinary training program for rural Kansas; amending K.S.A. 2014 Supp. 76-4,112 and repealing the existing section.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Pilcher-Cook.

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2254**, as amended by House Committee, be passed.

Committee on **Corrections and Juvenile Justice** recommends **SB 290** be amended on page 3, in line 29, by striking "major (O-4)" and inserting "O-4"; in line 39, by

striking all before "may" and inserting "E-4"; and the bill be passed as amended.

Also, **HB 2275**, as amended by House Committee, be passed.

**HB 2055**, as amended by House Committee of the Whole, be amended on page 1, following line 4, by inserting:

"WHEREAS, The provisions of K.S.A. 2014 Supp. 21-6811(c), as amended by this act, shall be known and may be cited as Mija Stockman's Law; Now, therefore,  
";

On page 2, in line 3, by striking "An" and inserting "Any"; also in line 3, after "K.S.A." by inserting "8-2,144 or"; also in line 3, after "8-1567" by inserting "or K.S.A. 2014 Supp. 8-1025"; in line 5, by striking "the" and inserting "any"; also in line 5, after "K.S.A." by inserting "8-2,144 or"; also in line 5, after "8-1567" by inserting "or K.S.A. 2014 Supp. 8-1025"; following line 7, by inserting:

"(3) If the current crime of conviction is for a violation of K.S.A. 2014 Supp. 21-5413(b)(3), and amendments thereto:

(A) The first prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one nonperson felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto; and

(B) each second or subsequent prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one person felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto.";

On page 1, in the title, in line 2, after "history;" by inserting "aggravated battery, driving under the influence;"; and the bill be passed as amended.

**HB 2106** be amended on page 3, in line 6, after the period by inserting "(1)"; in line 11, after "violation." by inserting:

"(2) If a crime under this act is a continuing offense, the statute of limitations does not begin to run until the last act in the scheme or course of business is completed. Nothing in this subsection shall prevent the exclusion of a time period pursuant to K.S.A. 2014 Supp. 21-5107(e), and amendments thereto.

(3)";

Also on page 3, in line 16, by striking all after the period; by striking all in lines 17 and 18;

On page 5, following line 27, by inserting:

"New Sec. 4. (a) At any preliminary examination pursuant to K.S.A. 22-2902, and amendments thereto, in which business records that have been obtained pursuant to K.S.A. 17-12a602, and amendments thereto, are to be introduced as evidence, the business records shall be admissible into evidence in the preliminary examination in the same manner and with the same force and effect as if the individuals who made the record, and the records custodian who keeps the record, had testified in person.

(b) This section shall be part of and supplemental to the Kansas code of criminal procedure.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "securities; relating to"; also in line 1, by striking "relating to"; in line 2, after "fees;" by inserting "criminal procedure;"; and the bill be passed as amended.

**HB 2336**, as amended by House Committee, be amended on page 2, in line 13, by striking "commissioner" and inserting "secretary of corrections"; in line 22, by striking "commissioner" and inserting "secretary of corrections"; in line 28, by striking "commissioner" and inserting "secretary of corrections";

On page 3, in line 20, by striking all after the third "the"; in line 21, by striking all before "nor" and inserting "secretary of corrections or the department of corrections";

On page 5, in line 36, by striking "commissioner" and inserting "secretary of corrections"; in line 39, by striking "commissioner" and inserting "secretary of corrections";

On page 6, in line 24, by striking "commissioner" and inserting "secretary of corrections";

On page 10, in line 43, by striking "commissioner" and inserting "secretary of corrections";

On page 11, in line 1, by striking "commissioner" and inserting "secretary of corrections"; in line 5, by striking "juvenile justice authority" and inserting "secretary of corrections"; in line 7, by striking "commissioner" and inserting "secretary of corrections"; in line 26, by striking "commissioner" and inserting "secretary of corrections"; and the bill be passed as amended.

Committee on **Education** recommends **Substitute for HB 2170**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "Senate Substitute for Substitute for HOUSE BILL No. 2170," as follows:

"Senate Substitute for Substitute for HOUSE BILL No. 2170

By Committee on Education

"AN ACT concerning schools; creating the freedom from unsafe restraint and seclusion act.";

And the substitute bill be passed.

Also, **HB 2326**, 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. 2326," as follows:

"Senate Substitute for HOUSE BILL No. 2326

By Committee on Education

"AN ACT concerning school districts; relating to the professional negotiations act; amending K.S.A. 72-5423 and K.S.A. 2014 Supp. 72-5413 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Ethics and Elections** recommends **HB 2104** be amended on page 2, in line 10, by striking "(b)"; following line 27, by inserting:

"(b) (1) A person who has been nominated by any means for any national, state, county or township office may be withdrawn from nomination if:

(A) The nominee certifies to the secretary of state that such nominee is withdrawing from nomination because of a severe medical hardship on the nominee or the nominee's immediate family. Such nominee shall send the secretary a certification of the severe medical hardship signed by a medical doctor; or

(B) the nominee certifies to the secretary of state that the nominee does not reside in the state of Kansas.

(2) If the secretary of state receives either of the certifications listed in paragraph (A) or (B) from a nominee on or before the first day of September following a primary election, such nominee's name shall be withdrawn from nomination and such nominee's name shall not be printed on the ballots for such office for the general election. The secretary of state, in the case of national and state offices, or the county election officer in the case of county or township offices, shall notify the chairperson or the vice-chairperson of the party committee of the congressional district, county or state, as the case may be, of such vacancy within 48 hours of receiving a certification listed in paragraph (A) or (B).";

Also on page 2, in line 28, before "In" by inserting "(c)"; and the bill be passed as amended.

Also, **HB 2183**, as amended by House Committee, be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 25-904 is hereby amended to read as follows: 25-904. (a) Every candidate for election to any city of the second and third class, unified school district, community college or township office subject to this act who intends to expend or have expended on such person's behalf an aggregate amount or value of less than ~~-\$500-~~ \$1,000, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than ~~-\$500~~ \$1,000 in each of the primary and ~~the general election~~ elections 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).";

On page 3, following line 28, by inserting:

"Sec. 4. K.S.A. 25-4157 is hereby amended to read as follows: 25-4157. (a) Before any candidate committee, party committee or political committee may be dissolved or the position of a candidate's treasurer terminated, the treasurer of the candidate or such committee shall file a termination report which shall include full information as to the disposition of residual funds. Any report required by K.S.A. 25-4148, and amendments

thereto, may be a termination report. Reports of the dissolution of candidate committees of candidates for state office, the termination of the treasurer of a candidate for state office, the dissolution of a political committee the major purpose of which is to support or oppose any candidate for state office and the dissolution of party committees shall be filed in the office of the secretary of state. Reports of the dissolution of candidate committees of candidates for local office, the termination of the treasurer of a candidate for local office and the dissolution of a political committee the major purpose of which is to support or oppose any candidate for local office shall be filed in the office of the county election officer of the county.

(b) If a candidate dies with an open candidate committee account which contains campaign funds, the executor or administrator of the candidate's estate shall be responsible for terminating the candidate committee and disposing of the residual funds.

Sec. 5. K.S.A. 2014 Supp. 25-4157a is hereby amended to read as follows: 25-4157a. (a) No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for:

- (1) Legitimate campaign purposes;
- (2) expenses of holding political office;
- (3) contributions to the party committees of the political party of which such candidate is a member;
- (4) any membership dues related to the candidate's campaign paid to a community service or civic organization in the name of the candidate;
- (5) any donations paid to any organization which is recognized as a 501(c)(3) tax exempt organization or any religious organization, community service or civic organization in the name of the candidate or candidate committee of any candidate but only if the candidate receives no goods or services unrelated to the candidate's campaign as a result of the payment of such donations;
- (6) expenses incurred in the purchase of tickets to meals and special events sponsored by any organization the major purpose of which is to promote or facilitate the social, business, commercial or economic well being of the local community; or
- (7) expenses incurred in the purchase and mailing of greeting cards to voters and constituents.

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

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

(c) No candidate or candidate committee shall accept from any other candidate or candidate committee for any candidate for local, state or national office, any moneys received by such candidate or candidate committee as a campaign contribution. The provisions of this subsection shall not be construed to prohibit a candidate or candidate committee from accepting moneys from another candidate or candidate committee if such moneys constitute a reimbursement for one candidate's proportional share of the

cost of any campaign activity participated in by both candidates involved. Such reimbursement shall not exceed an amount equal to the proportional share of the cost directly benefiting and attributable to the personal campaign of the candidate making such reimbursement.

(d) At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds otherwise not obligated for the payment of expenses incurred in such campaign or the holding of office shall be contributed to a charitable organization, as defined by the laws of the state, contributed to a party committee or returned as a refund in whole or in part to any contributor or contributors from whom received or paid into the general fund of the state.";

On page 4, following line 18, by inserting:

"Sec. 7. K.S.A. 25-4173 is hereby amended to read as follows: 25-4173. Every candidate for state or local office who intends to expend or have expended on such person's behalf an aggregate amount or value of less than ~~\$500~~ \$1,000, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than ~~\$500~~ \$1,000 in each of the primary and the general elections shall file, not later than the ninth day preceding the primary election, an affidavit of such intent with the secretary of state for state offices. In the case of a candidate for a local office, such affidavit also shall be filed with the county election officer of the county in which the name of the candidate is on the ballot. No report required by K.S.A. 25-4148, and amendments thereto, shall be required to be filed by or for such candidate.

Sec. 8. K.S.A. 46-268 is hereby amended to read as follows: 46-268. (a) Except as otherwise provided in subsection (b), every lobbyist shall file with the secretary of state a report of employment and expenditures on a form and in the manner prescribed and provided by the commission. A report shall be filed on or before the 10<sup>th</sup> day of the months of February, March, April, May, September and January. Reports shall include all expenditures which are required to be reported under K.S.A. 46-269, and amendments thereto, or a statement that no expenditures in excess of \$100 were made for such purposes, during the preceding calendar month or months since the period for which the last report was filed.

(b) For any calendar year in which a lobbyist expects to expend an aggregate amount of less than \$100 for lobbying in each reporting period, a lobbyist shall file an affidavit of such intent with the secretary of state. Such lobbyist shall not be required to file the reports required under subsection (a) for the year for which such affidavit is filed ~~but shall file a report on or before January 10, which shall include all expenditures made in the preceding calendar year which are required to be reported under K.S.A. 46-269, and amendments thereto.~~ If in any reporting period a lobbyist filing such affidavit expends in excess of \$100 in reportable expenses, a report shall be filed for such period in the manner prescribed by subsection (a).";

Also on page 4, in line 19, before "K.S.A." by inserting "K.S.A. 25-904, 25-4157, 25-4173 and 46-268 and"; also in line 19, after "25-4156" by inserting ", 25-4157a";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to candidate, contributor and lobbyist filings; relating to use of campaign funds; certain prohibited actions by candidates;"; in line 2, after "amending" by inserting "K.S.A. 25-

904, 25-4157, 25-4173 and 46-268 and"; also in line 2, after "25-4156" by inserting ", 25-4157a"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 232**, **SB 255** be passed.

Also, **HB 2048**, as amended by House Committee, be amended on page 1, in line 29, by striking all after "Any"; by striking all in lines 30 through 34; in line 35, by striking all before the semicolon and inserting "item that can be seized under the fourth amendment of the United States constitution"; and the bill be passed as amended.

**HB 2111** be amended on page 1, in line 35, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**Sub HB 2159** be amended on page 2, in line 30, after "(e)" by inserting "(1)"; in line 34, by striking "the" and inserting "a first"; also in line 34, after the second "a" by inserting "first"; following line 35, by inserting:

"(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of a city ordinance which would also constitute a second or subsequent violation of K.S.A. 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto.";

On page 8, in line 27, after "(d)" by inserting "(1)"; in line 32, after "a" by inserting "first"; following line 33, by inserting:

"(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed 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 second or subsequent violation of K.S.A. 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto.";

and the bill be passed as amended.

**HB 2256** be amended on page 1, in line 30, after "for" by inserting "the"; and the bill be passed as amended.

**HB 2246** 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 2193** be amended on page 1, in line 6, before "Section" by inserting "New";

On page 5, following line 3, by inserting:

"Sec. 2. K.S.A. 65-34,167 is hereby amended to read as follows: 65-34,167. Remedial alternatives shall be based on the actual risk to human health and the environment currently posed by contaminants—~~on the property~~, considering the following factors:

(a) The present and proposed future uses of the property and surrounding properties;

(b) the ability of the contaminants to move in a form and manner which would result in exposure to humans and the surrounding environment at levels which exceed applicable state standards and guidelines ~~or the results of a risk analysis if such standards and guidelines are not available~~ which exceed acceptable contaminant concentrations as determined by a risk analysis that evaluates the property and surrounding properties as a whole; and

(c) the potential risks associated with proposed cleanup alternatives and the reliability and economic and technical feasibility of such alternatives.

Sec. 3. K.S.A. 65-34,168 is hereby amended to read as follows: 65-34,168. (a) The department shall provide formal written notification to the applicant that a voluntary cleanup plan has been approved or disapproved within 60 days of submittal of the voluntary cleanup plan by the applicant unless the department extends the time for review to a date certain.

(b) The department shall approve a voluntary cleanup plan if the department concludes that the plan will attain a degree of cleanup and control of contaminants that complies with all applicable statutes and rules and regulations.

(c) If a voluntary cleanup plan is not approved by the department, the department shall promptly provide the applicant with a written statement of the reasons for denial. If the department disapproves a voluntary cleanup plan based upon the applicant's failure to submit the information required, the department shall notify the applicant of the deficiencies in the information submitted.

(d) The approval of a voluntary cleanup plan by the department applies only to those contaminants and conditions identified on the property based upon the statutes and rules and regulations that exist when the application is submitted.

(e) (1) Upon determination by the department that a voluntary cleanup plan is acceptable, the department shall publish a notice of the determination in a local newspaper of general circulation in the area affected and make the voluntary cleanup plan available to the public. The public shall have 15 days from the date of publication during which any person may submit to the department written comments regarding the voluntary cleanup plan. After 15 days have elapsed, the department may hold a public information meeting if, in the department's judgment, the comments submitted warrant such a meeting or if the applicant requests such a meeting. Upon completion of the public notification and participation process, the department shall make a determination to approve the plan in accordance with this section.

(2) The voluntary cleanup plan and associated documents shall be available for public review upon request from a member of the public.

(3) Such cleanup plan and any associated documents shall be indexed and posted on the website of the Kansas department of health and environment upon determination by the department that a voluntary cleanup plan is acceptable and for at least five years following the no further action determination.

(f) Departmental approval of a voluntary cleanup plan shall be void upon:

- (1) Failure of an applicant to comply with the approved voluntary cleanup plan;
- (2) willful submission of false, inaccurate or misleading information by the applicant in the context of the voluntary cleanup plan; or
- (3) failure to initiate the plan within 6 months after approval by the department, or failure to complete the plan within 24 months after approval by the department, unless the department grants an extension of time.

(g) An applicant desiring to implement a voluntary clean up plan after the time limits prescribed by subsection (f)(3) have expired shall submit a written petition for reapplication accompanied by written assurances from the applicant that the conditions on the subject property are substantially similar to those existing at the time of the original approval. Reapplications shall be reviewed by the department. Any reapplication that involves property upon which the condition has substantially changed since approval of the original voluntary cleanup plan shall be treated as a new application and shall be subject to all the requirements of this act.

(h) Within 45 days after the completion of the voluntary cleanup described in the approved voluntary cleanup plan, the applicant shall provide to the department assurance that the plan has been fully implemented. A verification sampling program shall be required by the department to confirm that the property has been cleaned up as described in the voluntary cleanup plan.

Sec. 4. K.S.A. 65-34,169 is hereby amended to read as follows: 65-34,169. (a) After an applicant completes the requirements of this act, the department may determine that no further remedial action is required. Within 60 days after such completion, unless the applicant and the department agree to an extension of the time for review, the department shall provide written notification that a no further action determination has been made.

~~(b)~~ ~~(1)~~ The department may consider in issuing this determination that contamination or a release of contamination originates from a source on ~~adjacent another~~ property upon which the necessary action which protects human health and the environment is or will be taken by a viable and financially capable person or entity which may or may not be legally responsible for the source of contamination.

~~(2)~~ The department shall provide written notification of a no further action determination.

~~(3)~~ ~~(c)~~ The issuance of a no further action determination by the department applies only to identified conditions on the property and is based upon applicable statutes and rules and regulations that exist as of the time of completion of the requirements.

~~(e)~~ ~~(d)~~ The department may determine that the no further action determination, under this section is void if:

(1) There is any evidence of fraudulent representation, false assurances, concealment or misrepresentation of the data in any document to be submitted to the department under this act;

(2) the applicant agrees to perform any action approved by the department and fails to perform such action;

(3) the applicant's willful and wanton conduct contributes to known environmental contamination; or

(4) the applicant fails to complete the voluntary actions required in the voluntary cleanup plan.

~~(d)~~ ~~(e)~~ If a no further action determination is not issued by the department, the department shall promptly provide the applicant with a written statement of the reasons for denial.

Sec. 5. K.S.A. 65-34,167, 65-34,168, 65-34,169 and 65-34,170 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all before "risk" and inserting "environmental remediation,"; in line 3, after "act" by inserting "; voluntary cleanup and property redevelopment act; amending K.S.A. 65-34,167, 65-34,168 and 65-34,169 and repealing the existing sections; also repealing K.S.A. 65-34,170";

And the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2042** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2042," as follows:

"Senate Substitute for HOUSE BILL No. 2042

By Committee on Public Health and Welfare

"AN ACT concerning statutorily created boards, councils and committees; amending K.S.A. 2014 Supp. 39-7,160 and 39-1605 and repealing the existing sections.";

And the substitute bill be passed.

Also, **HB 2149** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2149," as follows:

"Senate Substitute for HOUSE BILL No. 2149

By Committee on Public Health and Welfare

"AN ACT concerning the Kansas program of medical assistance; relating to donor human breast milk and medications used under medicaid; amending K.S.A. 2014 Supp. 39-7,119, 39-7,120 and 39-7,121b and repealing the existing sections.";

And the substitute bill be passed.

**HB 2225**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2225," as follows:

"Senate Substitute for HOUSE BILL No. 2225

By Committee on Public Health and Welfare

"AN ACT concerning the healing arts; regarding licenses and medical retainer agreements; access to health care records; amending K.S.A. 65-2811a, 65-2852, as amended by section 21 of chapter 131 of the 2014 Session Laws of Kansas, 65-2857, as amended by section 22 of chapter 131 of the 2014 Session Laws of Kansas, 65-2860, as amended by section 24 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a02, as amended by section 42 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a08, as amended by section 47 of chapter 131 of the 2014 Session Laws of Kansas, 65-4941 and 65-4942 and K.S.A. 2013 Supp. 65-1626, as amended by section 4 of chapter 131 of the 2014 Session Laws of Kansas, 65-2809, as amended by section 7 of chapter 131 of the 2014 Session Laws of Kansas, 65-2836, as amended by section 10 of chapter 131 of the 2014 Session Laws of Kansas, 65-2895, as amended by section 36 of chapter 131 of the 2014 Session Laws of Kansas, 65-28,127, as amended by section 40 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a03, as amended by section 43 of chapter 131 of the 2014 Session Laws of Kansas, 65-4101, as amended by section 50 of chapter 131 of the 2014 Session Laws of Kansas and 72-8252, as amended by section 54 of chapter 131 of the 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 65-6824 and repealing the existing sections.";

And the substitute bill be passed.

**HB 2281** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2281," as follows:

"Senate Substitute for HOUSE BILL No. 2281

By Committee on Public Health and Welfare

"AN ACT concerning the commissioner of insurance; relating to powers, duties and functions relating to the vision care services act and the medical assistance fee fund; amending K.S.A. 2014 Supp. 40-2404, 40-3213, 40-5905 and 40-5906 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Transportation** recommends **SB 271** be amended on page 2, in line 25, after "combine" by inserting ", forage cutter or combine header"; and the bill be passed as amended.

Also, **SB 288** 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, March 20, 2015.

# Journal of the Senate

FORTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, March 20, 2015, 8:00 a.m.

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

The roll was called with 20 senators present.

Senators Abrams, Baumgardner, Donovan, Faust-Goudeau, Haley, Hawk, Holland, Holmes, Kelly, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Pettey, Wagle, Wilborn and Wolf were excused.

Invocation by Father Don Davidson:

Dear Lord, we could have stayed in bed today and not awakened to the sun. We may have never noticed the birds outside our window or the voice of a friend. We may not have answered the phone or given someone a little help or said a casual hello to a person passing by that made more of a difference than we will ever know. Dear Lord, we could have stayed in bed today...but you gave us the day to live and we thank you. 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 295**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing for attempt to commit murder in the second degree; conversion of certain sentences, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 294** (Separately).

Federal and State Affairs: **HB 2089**, **HB 2125**, **HB 2191**, **HB 2223**, **HB 2331**.

Ways and Means: **SB 294** (Separately).

## REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2124** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2124," as follows:

"Senate Substitute for HOUSE BILL No. 2124

By Committee on Judiciary

"AN ACT concerning the uniform commercial code; relating to the exclusion of consumer transactions governed by federal law; secured transactions; amending K.S.A.

84-4a-108 and K.S.A. 2014 Supp. 84-9-408, 84-9-803, 84-9-805 and 84-9-807 and repealing the existing sections.";

And the substitute bill be passed.

The **Select Committee on KPERS** recommends **HB 2101** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2101," as follows:

"Senate Substitute for HOUSE BILL No. 2101

By Select Committee on KPERS

"AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; enacting the Kansas deferred retirement option program act; providing terms, conditions, requirements, benefits and contributions related thereto; relating to member election; eligible employer affiliation; interest credits; account distribution.";

And the substitute bill be passed.

#### **REPORT ON ENROLLED BILLS**

**H Sub SB 7; SB 13, SB 46** reported correctly enrolled, properly signed and presented to the Governor on March 20, 2015.

**SR 1726, SR 1727** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 20, 2015.

#### **TRIBUTES**

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of March 16 through March 20, 2015:

Senator Bowers: congratulating Margaret Bihlmaier on her 100th Birthday;

Senator Kelly: congratulating Salvador and Dolores Vega on their 61<sup>st</sup> Wedding Anniversary; congratulating Clarence and Mary Lou Irwin on their 68<sup>th</sup> Wedding Anniversary; congratulating Elon and Polly Torrence on their 70<sup>th</sup> Wedding Anniversary; recognizing Hannah Lincoln on being named a Governor's Scholar; recognizing Matt Scherer on being named a Governor's Scholar; congratulating Alan Winkler on receiving the 2015 Bruntzel Award;

Senator O'Donnell: congratulating Amy Stanislawski on being named a Milken National Educator;

Senator Ostmeyer: congratulating Karen Horinek on receiving the 2015 Small Business of the Year Award; congratulating Rebecca Scheck on receiving the Excellence in Teaching Award;

Senator Schmidt: congratulating Elon and Polly Torrence on their 70<sup>th</sup> Wedding Anniversary; and

Senator Lynn and Senator Denning: congratulating Nancy Smith on receiving the 2014-15 STEM Award.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Monday, March 23, 2015.

# Journal of the Senate

FORTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 23, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 38 senators present.  
Senators Haley and Hawk were excused.  
Invocation by Father Don Davidson:

Dear God, I believe my dog taught me a lesson today and I wanted you to know about it. My silly dog is four years old and she knows every blade of grass in our tiny backyard. She walks around every day like a general making an inspection and when she notices something different, something she has never observed previously, she leaps in the air with joy. Dear God, help us to notice the beauty and wonder of life in the little joys that come our way. We so often can take the extras you give for granted, and we need to be reminded of your ongoing creation. To you be the glory, and the joy. 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 296**, AN ACT concerning income tax; relating to rates, rate reductions and itemized deductions; amending K.S.A. 2014 Supp. 79-32,110, 79-32,120 and 79-32,269 and repealing the existing sections, by Committee on Assessment and Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committees as indicated:

Corrections and Juvenile Justice: **SB 295**.

## MESSAGE FROM THE HOUSE

Announcing passage of **HB 2387**.

Announcing passage of **SB 21**, **SB 43**, **SB 47**.

Also, passage of **SB 109**, as amended; **SB 228**, as amended.

Also, passage of **SB 38**, as amended by **House Substitute for SB 38**.

## INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2387** was thereupon introduced and read by title.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Smith the Senate nonconcurred in the House amendments to **Sub SB 38** 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 Longbine the Senate nonconcurred in the House amendments to **SB 228** and requested a conference committee be appointed.

The Vice President appointed Senators King, Longbine and Hensley as a conference committee on the part of the Senate.

### COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

**SB 270; HB 2192, HB 2275** be passed.

**SB 31, SB 63, SB 64, SB 271, SB 280, SB 290; HB 2106, HB 2165, HB 2193** be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2225** recommending **S Sub HB 2225** be adopted, and the substitute bill be passed.

The committee report on **HB 2281** recommending **S Sub HB 2281** be adopted, and the substitute bill be passed.

The committee report **HB 2149** recommending **S Sub HB 2149** be adopted, be amended by motion of Senator Pilcher-Cook, on page 1, in line 29, after "section" by inserting "prior to July 1, 2016".

**S Sub HB 2149** be further amended by motion of Senator Schmidt, on page 5, in line 22, by striking "and"; in line 23, by striking all before the period and **S Sub HB 2149** be passed as amended.

**HB 2061** be amended by the adoption of the committee amendments, be further amended by Senator Francisco, on page 4, in line 36, after "easements" by inserting "and for the administration of such conservation easements" and **HB 2061** be passed as further amended.

**HB 2183** be amended by the adoption of the committee amendments, be further amended by motion of Senator Holmes, on page 2, following line 6, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 25-4148a is hereby amended to read as follows: 25-4148a. When a report is made under this act and the amount being contributed by an individual is over \$150, the report shall list the occupation ~~and industry~~ of the individual contributor. If the individual contributor is not employed for compensation then the report shall list the occupation ~~and industry~~ of the contributor's spouse.";

On page 7, in line 39, after "Supp." by inserting "25-4148a,";

And by renumbering sections accordingly

On page 1, in the title, in line 5, after "Supp." by inserting "25-4148a"

**HB 2183** be further amended by motion of Senator Olson, page 7, following line 37, by inserting:

"New Sec. 9. No city or county shall regulate or prohibit the placement of or the number of political signs on private property or the unpaved right-of-way adjacent to private property during the 30-day period prior to any election and the seven-day period following any such election.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "technology;" by inserting "concerning political signs;"

**HB 2183** be further amended by motion of Senator Francisco, as amended by Senate Committee of the Whole in fa\_2015\_hb2183\_s\_1823 in New Sec. 9 after "right-of-way" by striking "adjacent to" and inserting "on";

And by renumbering sections accordingly and **HB 2183** be passed as further amended.

A motion by Senator Schmidt to amend **HB 2183** failed.

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

On roll call, the vote was: Yeas 16; Nays 20; Present and Passing 1; Absent or Not Voting 3.

Yeas: Abrams, Bowers, Francisco, Hensley, Holland, Kelly, Kerschen, LaTurner, McGinn, Ostmeyer, Petersen, Pettey, Pyle, Schmidt, Tyson, Wolf.

Nays: Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Pilcher-Cook, Powell, Smith, Wagle, Wilborn.

Present and Passing: Faust-Goudeau.

Absent or Not Voting: Haley, Hawk, Longbine.

The following amendment was rejected: on page 7, following line 37, by inserting:

"Sec. 9. K.S.A. 46-269 is hereby amended to read as follows: 46-269. Each report required to be filed by K.S.A. 46-268, and amendments thereto, is a public record and shall be open to public inspection upon request. Such report shall disclose the following:

(a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist during the period reported.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist's employer for or in direct relation to lobbying during the reporting period, if such expenditures exceed \$100. Individual expenditures of less than \$2 shall not be required to be reported under this subsection. Every lobbyist shall keep detailed accounts of all expenditures required to be reported pursuant to K.S.A. 46-268, and amendments thereto. Such expenditures shall be reported according to the following categories of expenditures:

- (1) Food and beverages provided as hospitality;
- (2) entertainment, gifts, honoraria or payments;
- (3) mass media communications;
- (4) recreation provided as hospitality;

(5) communications for the purpose of influencing legislative or executive action; and

(6) all other reportable expenditures made in the performance of services as a lobbyist.

With regard to expenditures for entertainment or hospitality which is primarily recreation, food and beverages, only amounts expended on a state officer or employee or on such officer or employee's spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this subsection and subsection (d), no lobbyist shall be responsible to report any expenditure by the lobbyist's employer of which such person has no knowledge.

(c) (1) In addition to the information reported pursuant to subsection (b), each lobbyist expending an aggregate amount of \$100 or more for lobbying in any reporting period shall report any gift, entertainment or hospitality provided to members of the legislature, members of the judicial branch of government and any employees of the legislature or judicial branch of government. Such report shall disclose the full name of the legislator, member of the judicial branch and employee who received such gift, entertainment or hospitality, the date and the amount expended on such gift, entertainment or hospitality.

(2) No report shall be required to be filed pursuant to this subsection (c) for the following:

(A) Meals, the provision of which is motivated by a personal or family relationship;  
 (B) meals provided at public events in which the person is attending in an official capacity;

(C) meals provided to a person subject to this section when it is obvious such meals are not being provided because of the person's official position;

(D) food such as soft drinks, coffee or snack foods not offered as part of a meal; and

(E) entertainment or hospitality in the form of recreation, food and beverages provided at an event to which the following have been invited:

(i) All members of the legislature or all members of either house of the legislature; or

(ii) all members of a political party caucus of the legislature or all members of a political party caucus of either house of the legislature.

(d) Except as provided by subsection (c), whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only the aggregate amount or value of the expenditure contributed by such lobbyist.

(e) Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular expenditure or gift, honoraria or payment. No expenditure or gift, honoraria or payment required to be reported by this section shall be reported by more than one lobbyist.

(f) All accounts, records and documents of the lobbyist which relate to every expenditure reported or which should have been reported shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission.";

And by renumbering sections accordingly;

Also on page 7, in line 38, by striking the first "and" and inserting a comma; also in line 38, after "46-268" by inserting "and 46-269";

On page 1, in the title in line 4, by striking "and" and inserting a comma; also in line 4, after "46-268" by inserting "and 46-269"

A motion to amend **HB 2183** by Senator Holland failed.

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

On roll call, the vote was: Yeas 13; Nays 24; Present and Passing 0; Absent or Not Voting 3.

Yeas: Bowers, Faust-Goudeau, Francisco, Hensley, Holland, Kelly, Kerschen, McGinn, Pettey, Schmidt, Tyson, Wagle, Wolf.

Nays: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Wilborn.

Absent or Not Voting: Haley, Hawk, Longbine.

The following amendment was rejected on: on page 7, following line 37, by inserting:

"New Sec. 9. (a) No 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 to make contributions or expenditures for the nomination, election or defeat of a clearly identified candidate for the legislature or a statewide office, shall be established by the secretary of state. Any such political committee currently in existence is hereby abolished.

(b) At the time of the termination of any political committee established by the secretary of state, all residual funds not otherwise obligated for the payment of expenses incurred shall be:

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

And by renumbering sections accordingly

#### MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **HB 2006**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2010**, requests a conference and has appointed Representatives Ryckman, Schwartz and Henry as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2044**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub HB 2090**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2231**, requests a conference and

has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2364**, requests a conference and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House announced the appointment of Rep. Highberger to replace Rep. Carmichael as a conferee on **SB 113**.

### REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 283** be amended on page 6, in line 2, by striking "area" and inserting "district";

On page 7, in line 22, after "costs" by inserting "measured at the end of the term of the STAR bonds";

On page 12, in line 21, before "financing" by inserting "STAR bond"; in line 37, by striking "revised to reflect"; in line 38, by striking "area" and inserting "district"; and the bill be passed as amended.

Also, **HB 2096** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2096," as follows:

"Senate Substitute for HOUSE BILL No. 2096

By Committee on Commerce

"AN ACT concerning public employees; relating to the public employer-employee relations act; certain deductions from wages; amending K.S.A. 75-4321, 75-4322, 75-4324, 75-4326, 75-4328, 75-4329, 75-4335 and 75-4337 and K.S.A. 2014 Supp. 75-4327, 75-4330, 75-4332, 75-4333, 75-4334 and 75-4338 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 75-4323 and 75-5713.";

And the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **HB 2155**, as amended by House Committee, be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2155," as follows:

"Senate Substitute for HOUSE BILL No. 2155

By Committee on Federal and State Affairs

"AN ACT concerning gaming; dealing with charitable gaming; establishing the Kansas charitable gaming act; dealing with the Kansas lottery; amending K.S.A. 74-8704 and 74-8718 and K.S.A. 2014 Supp. 21-6403, 74-8702 and 79-3603 and repealing the existing sections; also repealing K.S.A. 79-4702 and 79-4715 and K.S.A. 2014 Supp. 79-4701, 79-4701a, 79-4703, 79-4704, 79-4705, 79-4705a, 79-4706, 79-4707, 79-4708, 79-4710, 79-4711, 79-4712a, 79-4713, 79-4716, 79-4717, 79-4718 and 79-4719.";

And the substitute bill be passed.

Also, 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 Highway Patrol, Superintendent: K.S.A. 74-2113

Major Mark Bruce, serves at the pleasure of the Governor

Kansas Air National Guard, Commander: K.S.A. 48-208

Colonel Jay Selanders, serves at the pleasure of the Governor  
Kansas Army National Guard, General Officer: K.S.A. 48-208

Colonel Anthony Mohatt, serves at the pleasure of the Governor

Committee on **Judiciary** recommends **HB 2115** be amended by substituting a new bill to be designated as "Senate Substitute for Substitute for HOUSE BILL No. 2115," as follows:

"Senate Substitute for Substitute for HOUSE BILL No. 2115

By Committee on Judiciary

"AN ACT concerning administrative procedure; relating to the Kansas administrative procedure act; Kansas judicial review act; amending K.S.A. 77-502, 77-545, 77-546, 77-548 and 77-613 and K.S.A. 2014 Supp. 77-519, 77-521 and 77-531 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Natural Resources** recommends **HB 2177** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2177," as follows:

"Senate Substitute for HOUSE BILL No. 2177

By Committee on Natural Resources

"AN ACT concerning water; relating to water conservation areas.";

And the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **HB 2258** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2258," as follows:

"Senate Substitute for HOUSE BILL No. 2258

By Committee on Public Health and Welfare

"AN ACT concerning social welfare; Kansas department for children and families; eligibility requirements for assistance amending K.S.A. 17-2263, 17-5828, 39-709b, 59-1301 and 59-3504 and K.S.A. 2014 Supp. 9-1215, 9-1216, 16-311, 17-2264, 17-5829, 39-702, 39-709, 39-709c, 39-753, 39-756a, 59-2222, 59-2247, 59-2801 and 59-3086 and repealing the existing sections; also repealing K.S.A. 39-7,101, 39-7,106, 39-7,107, 39-7,110 and 75-5364 and K.S.A. 2014 Supp. 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,108, 39-7,109 and 39-7,122.";

And the substitute bill be passed.

Committee on **Ways and Means** recommends **SB 241**, **SB 248**, **SB 250** be passed.

Also, **HB 2135** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2135," as follows:

Senate Substitute for HOUSE BILL No. 2135

By Committee on Ways and Means

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2015, June 30, 2016, June 30, 2017, June 30, 2018, and June 30, 2019, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2014 Supp. 2-223, 12-5256, 55-193, 68-2320, 74-50,107, 74-8963, 74-99b34, 75-6702, 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; also repealing K.S.A. 2014 Supp. 74-99b34a.";

And the substitute bill be passed.

**SB 249** be amended on page 3, in line 20, by striking "less than"; in line 21, after "\$10,000" by inserting "or less"; in line 27, by striking "less than"; also in line 27, after "\$50,000" by inserting "or less"; and the bill be passed as amended.

**HB 2005** be amended on page 1, by striking all in lines 5 through 15 and inserting the following:

"Section 1.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Judiciary operations.....\$96,689,750

*Provided*, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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
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
Electronic filing and management fund .....	No limit

(c) During the fiscal year ending June 30, 2016, the chief justice of the Kansas supreme court may transfer any funds from the electronic filing and management fund to the judicial branch docket fee fund. The chief justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 2.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Judiciary operations .....\$96,706,812

*Provided*, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Library report fee fund .....No limit  
Judicial 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
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
Electronic filing and management fund .....	No limit

Sec. 3. *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, state economic development initiatives fund, the children's initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

New Sec. 4. (a) On and after the effective date of this act, any party filing a dispositive motion shall pay a fee in the amount of \$195 to the clerk of the district court. A poverty affidavit may be filed in lieu of payment of such fee, as established in

K.S.A. 60-2001, and amendments thereto. The fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto. The fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect such fee. Such fee shall be an item allowable as a cost pursuant to K.S.A. 60-2003, and amendments thereto.

(b) As used in this section, "dispositive motion" means a motion to dismiss, a motion for judgment on the pleadings, a motion for summary judgment or partial summary judgment or a motion for judgment as a matter of law. "Dispositive motion" also shall include any motion determined by a judge to be seeking any disposition described in this subsection, regardless of the title assigned to such motion at the time of filing.

(c) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.

(d) The provisions of this section shall not apply to an action pursuant to the code of civil procedure for limited actions.

(e) This section shall be part of and supplemental to the code of civil procedure.

Sec. 5. July 1, 2015, K.S.A. 2014 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 (e)~~ of K.S.A. 8-2118(c), 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 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. 6. On July 1, 2015, K.S.A. 2014 Supp. 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to: (1) Appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed; or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) (1) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges. The district or municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days

of mailing notice, the district or municipal court shall electronically notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. When the court determines the person has complied with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension or suspension action.

(2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund.

(B) A person whose driver's license has expired during the period when such person's drivers license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund. An individual shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met: (i) The suspended license that expired was issued by the division of vehicles; (ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b)(1); (iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state; and (iv) the individual has not previously received a stayed suspension as a result of a driving while suspended conviction.

(C) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles for a period up to one year or until the terms of the traffic citation have been complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to comply with the traffic citation within the one year restricted period, the driving privileges will be suspended by the division of vehicles until the court determines the person has complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances: (i) In going to or returning from the person's place of employment or schooling; (ii) in the course of the person's

employment; (iii) in going to or returning from an appointment with a health care provider or during a medical emergency; and (iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court.

(c) Except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$59 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit 42.37% of such moneys to the division of vehicles operating fund, 31.78% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 10.59% to the juvenile detention facilities fund created by K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2014 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 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. 7. On July 1, 2015, K.S.A. 2014 Supp. 20-362 is hereby amended to read as follows: 20-362. The clerk of the district court shall remit all revenues received from docket fees as follows:

(a) At least monthly to the county treasurer, for deposit in the county treasury and credit to the county general fund:

(1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A. 60-2001 and 60-3005, and amendments thereto, during the preceding calendar month;

(2) a sum equal to \$10 for each \$46 or \$76 docket fee paid pursuant to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and amendments thereto; and

(3) a sum equal to \$5 for each \$26 docket fee paid pursuant to K.S.A. 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding calendar month.

(b) At least monthly to the board of trustees of the county law library fund, for deposit in the fund, a sum equal to the library fees paid during the preceding calendar month for cases filed in the county.

(c) At least monthly to the county treasurer, for deposit in the county treasury and credit to the prosecuting attorneys' training fund, a sum equal to \$2 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month for cases filed in the county and a sum equal to \$1 for each fee paid pursuant to ~~subsection (c)~~ of K.S.A. 28-170(c), and amendments thereto, during the preceding calendar month for cases filed in the county.

(d) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the law enforcement training center fund a sum equal to \$15 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month.

(e) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury a sum equal to the balance which remains from all docket fees paid during the preceding calendar month after deduction of the amounts specified in subsections (a), (b), (c) and (d). Of the balance remitted to the state treasury pursuant to this subsection, the state treasurer shall credit 0.99% to the judicial council fund. During the fiscal years ending June 30, 2015, June 30, 2016, ~~and June 30, 2017, and June 30, 2018,~~ of the remainder, the state treasurer shall deposit and credit the first \$3,100,000 to the electronic filing and management fund created in K.S.A. 2014 Supp. 20-1a16, and amendments thereto. During the fiscal year ending June 30, ~~2018~~ 2019, and each fiscal year thereafter, of the remainder, the state treasurer shall deposit and credit the first \$1,000,000 to the electronic filing and management fund. Of the balance which remains after deduction of the amounts specified in this subsection, the state treasurer shall deposit and credit the remainder to the judicial branch docket fee fund.

Sec. 8. On July 1, 2015, K.S.A. 2014 Supp. 20-3021 is hereby amended to read as follows: 20-3021. (a) (1) On and after July 1, 2014, any party filing an appeal with the court of appeals shall pay a fee in the amount of \$145 to the clerk of the supreme court.

(2) On and after July 1, 2014, any party filing an appeal with the supreme court shall pay a fee in the amount of \$145 to the clerk of the supreme court.

(b) A poverty affidavit may be filed in lieu of a fee as established in K.S.A. 60-2001, and amendments thereto.

(c) The fee shall be the only costs assessed in each case to services of the clerk of the supreme court. The clerk of the supreme court shall remit all revenues received from this section to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury. The fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

(d) Except as provided further, the fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall

only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2014, through July 1, 2015,~~ The supreme court may impose an additional charge, not to exceed \$10 per fee, to fund the costs of non-judicial personnel.

(e) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.

Sec. 9. On July 1, 2015, K.S.A. 2014 Supp. 21-6614 is hereby amended to read as follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 of the drug grid may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of prostitution, as defined in K.S.A. 21-3512, prior to its repeal, convicted of a violation of K.S.A. 2014 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) Except as provided in subsections (e) and (f), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A.

2014 Supp. 21-5406, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(d) No person may petition for expungement until seven or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a violation of K.S.A. 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto, including any diversion for such violation.

(e) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2014 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. 2014 Supp. 21-5506, and amendments thereto;

(3) criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3) of K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A. 2014 Supp. 21-5504(a)(3) or (a)(4), and amendments thereto;~~

(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2014 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. 2014 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. 2014 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. 2014 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. 2014 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. 2014 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. 2014 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. 2014 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. 2014 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. 2014 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. 2014 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. 2014 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. 2014 Supp. 21-5505, and amendments thereto;

(17) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(18) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(f) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(C) defendant's sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant's arrest, conviction or diversion; and

(F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of ~~\$100~~ \$176. ~~On and after July 1, 2013, through July 1, 2015,~~ The supreme court may impose a charge, not to exceed \$19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the

hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2014 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 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. 2014 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(j) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) (1) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime.

(2) Notwithstanding the provisions of subsection (k)(1), and except as provided in ~~subsection (a)(3)(A)~~ of K.S.A. 2014 Supp. 21-6304(a)(3)(A), and amendments thereto, the expungement of a prior felony conviction does not relieve the individual of complying with any state or federal law relating to the use, shipment, transportation, receipt or possession of firearms by persons previously convicted of a felony.

(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 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 for aging and disability services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-

5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto;

(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act; or

(17) the Kansas bureau of investigation for the purposes of:

(A) Completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(m) The provisions of subsection (l)(17) shall apply to records created prior to, on and after July 1, 2011.

Sec. 10. On July 1, 2015, K.S.A. 2014 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 \$176. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2013, through July 1, 2015, The supreme court may impose an additional charge, not to exceed \$19 per docket fee, to fund the costs of non-judicial personnel. The petition shall state:~~

- (1) The petitioner's full name;
- (2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
- (3) the petitioner's sex, race and date of birth;
- (4) the crime for which the petitioner was arrested;
- (5) the date of the petitioner's arrest; and
- (6) the identity of the arresting law enforcement agency.

No surcharge or fee shall be imposed to any person filing a petition pursuant to this section, who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-6107(a), 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 Kansas department for aging and disability services;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(5) in any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

(f) The court shall make all expunged records and related information in such court's possession, created prior to, on and after July 1, 2011, available to the Kansas bureau of investigation for the purposes of:

(1) Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(2) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(g) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

(h) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

(i) The docket fee collected at the time the petition for expungement is filed shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

Sec. 11. On July 1, 2015, K.S.A. 2014 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. 2014 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 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. 12. On July 1, 2015, K.S.A. 2014 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. 2014 Supp. 38-2201 et seq., and amendments thereto, the revised Kansas juvenile justice code, K.S.A. 2014 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) Except as provided further, the bond, lien or judgment fee established in subsection (a) shall be the only fee collected or moneys in the nature of a fee collected for such bond, lien or judgment. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2013, through July 1, 2015,~~ The supreme court may impose an additional charge, not to exceed \$22 per bond, lien or judgment fee, to fund the costs of non-judicial personnel.

Sec. 13. On July 1, 2015, K.S.A. 2014 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:

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(c),~~ 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, 2014, a docket fee of \$86 shall be charged. When an action is disposed of under ~~subsections (a) and (b) of K.S.A. 8-2118(a) and (b), or subsection (f) of K.S.A. 79-3393(f),~~ and amendments thereto, on and after July 1, 2014, the docket fee to be paid as court costs shall be \$86.

(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, 2014, a docket fee of \$86 shall be charged. When an action is disposed of under ~~subsection (a) and (b)~~ of K.S.A. 8-2118(a) and (b), and amendments thereto, on and after July 1, 2014, the docket fee to be paid as court costs shall be \$86.

(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 made pursuant to the provisions of K.S.A. 20-362, and amendments thereto, 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 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. 14. On July 1, 2015, K.S.A. 2014 Supp. 28-177 is hereby amended to read as follows: 28-177. (a) Except as provided in this section and K.S.A. 2014 Supp. 28-178, and amendments thereto, the fees established by legislative enactment shall be the only fee collected or moneys in the nature of a fee collected for court procedures. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. Court procedures shall include docket fees, filing fees or other fees related to access to court procedures. ~~On and after July 1, 2013, through July 1, 2015,~~ The supreme court may impose an additional charge, not to exceed \$26.50 per fee or the amount established by the applicable statute, whichever

amount is less, to fund the costs of non-judicial personnel.

(b) Such additional charge imposed by the court pursuant to K.S.A. 8-2107, 8-2110, 22-2410, 28-170, 28-172a, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and K.S.A. 2014 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 docket fee fund, which is hereby created in the state treasury.

(c) Moneys credited to the judicial branch docket fee fund shall not be expended for compensation of judges or justices of the judicial branch.

(d) All expenditures from the judicial branch docket fee fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.

(e) Expenditures may be made from the judicial branch docket fee fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, and for educating and training municipal judges and municipal court and support staff, including official hospitality. The judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs. Such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality. All fees received for such purposes and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch docket fee fund.

(f) On the effective date of this act:

(1) The director of accounts and reports shall transfer all moneys in the judicial branch surcharge fund to the judicial branch docket fee fund;

(2) all liabilities of the judicial branch surcharge fund existing prior to that date are hereby imposed on the judicial branch docket fee fund; and

(3) the judicial branch surcharge fund is hereby abolished.

Sec. 15. On July 1, 2015, K.S.A. 2014 Supp. 28-178 is hereby amended to read as follows: 28-178. (a) In addition to any other fees specifically prescribed by law, ~~on and after July 1, 2013, through July 1, 2015,~~ the supreme court may impose a charge, not to exceed \$12.50 per fee, to fund the costs of non-judicial personnel, on the following:

(1) A person who requests an order or writ of execution pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(2) Persons who request a hearing in aid of execution pursuant to K.S.A. 60-2419, and amendments thereto.

(3) A person requesting an order for garnishment pursuant to article 7 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, or article 35 of chapter 61 of the Kansas Statutes Annotated, and amendments thereto.

(4) Persons who request a writ or order of sale pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(5) A person who requests a hearing in aid of execution pursuant to K.S.A. 61-

3604, and amendments thereto.

(6) A person who requests an attachment against the property of a defendant or any one or more of several defendants pursuant to K.S.A. 60-701 or 61-3501, and amendments thereto.

(b) The clerk of the district court shall remit all revenues received from the fees imposed pursuant to subsection (a) to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the judicial branch docket fee fund.

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

Sec. 16. On July 1, 2015, K.S.A. 2014 Supp. 28-179 is hereby amended to read as follows: 28-179. (a) No post-decree motion petitioning for a modification or termination of separate maintenance, for a change in legal custody, residency, visitation rights or parenting time or for a modification of child support shall be filed or docketed in the district court without payment of a docket fee in the amount of \$40 on and after July 1, 2013, to the clerk of the district court.

(b) A poverty affidavit may be filed in lieu of a docket fee as established in K.S.A. 60-2001, and amendments thereto.

(c) The docket fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The docket fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

(d) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2013, through July 1, 2015,~~ The supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

Sec. 17. On July 1, 2015, K.S.A. 2014 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 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. 18. On July 1, 2015, K.S.A. 2014 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 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. 19. On July 1, 2015, K.S.A. 2014 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. 2014 Supp. 21-5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402, prior to its repeal, or K.S.A. 2014 Supp. 21-5403, and amendments thereto, murder in the second degree; K.S.A. 21-3403, prior to

its repeal, or K.S.A. 2014 Supp. 21-5404, and amendments thereto, voluntary manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2014 Supp. 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-3439, prior to its repeal, or K.S.A. 2014 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. 2014 Supp. 21-5405(a)(3)~~, 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. 2014 Supp. 21-5503, and amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or ~~subsection (a) of K.S.A. 2014 Supp. 21-5506(a)~~, and amendments thereto, indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or ~~subsection (b) of K.S.A. 2014 Supp. 21-5506(b)~~, 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. 2014 Supp. 21-5504(b)~~, and amendments thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior to its repeal, or ~~subsection (a) of K.S.A. 2014 Supp. 21-5508(a)~~, and amendments thereto, indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or ~~subsection (b) of K.S.A. 2014 Supp. 21-5508(b)~~, and amendments thereto, aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its repeal, or K.S.A. 2014 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. 2014 Supp. 21-5604(b)~~, and amendments thereto, aggravated incest; K.S.A. 21-3608, prior to its repeal, or ~~subsection (a) of K.S.A. 2014 Supp. 21-5601(a)~~, and amendments thereto, endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A. 2014 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 \$176. ~~On and after 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) (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. 2014 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 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 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) 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. 20. On July 1, 2015, K.S.A. 2014 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 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. 21. On July 1, 2015, K.S.A. 2014 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, 2014:

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 .....	173.00
Probate of an estate or of a will .....	109.50
Civil commitment under K.S.A. 59-29a01 et 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 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(b) 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. 22. K.S.A. 2014 Supp. 60-256 is hereby amended to read as follows: 60-256.

(a) *By a claiming party.* A party claiming relief may move, with or without supporting affidavits or supporting declarations pursuant to K.S.A. 53-601, and amendments thereto, for summary judgment on all or part of the claim.

(b) *By a defending party.* A party against whom relief is sought may move, with or without supporting affidavits or supporting declarations pursuant to K.S.A. 53-601, and amendments thereto, for summary judgment on all or part of the claim.

(c) *Time for a motion; response and reply; proceedings.* (1) These times apply unless a different time is set by local rule or the court orders otherwise:

(A) A party may move for summary judgment at any time until 30 days after the close of all discovery;

(B) a party opposing the motion must file a response within 21 days after the motion is served or a responsive pleading is due, whichever is later; and

(C) the movant may file a reply within 14 days after the response is served.

(2) The judgment sought should be rendered if the pleadings, the discovery and disclosure materials on file, and any affidavits or declarations show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.

(d) *Case not fully adjudicated on the motion.* (1) *Establishing facts.* If summary judgment is not rendered on the whole action, the court should, to the extent practicable, determine what material facts are not genuinely at issue. The court should so determine by examining the pleadings and evidence before it and by interrogating the attorneys. It should then issue an order specifying what facts, including items of damages or other relief, are not genuinely at issue. The facts so specified must be treated as established in the action.

(2) *Establishing liability.* An interlocutory summary judgment may be rendered on liability alone, even if there is a genuine issue on the amount of damages.

(e) *Affidavits or declarations; further testimony.* (1) *In general.* A supporting or opposing affidavit or declaration must be made on personal knowledge, set out facts that would be admissible in evidence and show that the affiant or declarant is competent to testify on the matters stated. If a paper or part of a paper is referred to in an affidavit or declaration, a sworn or certified copy must be attached to or served with the affidavit or declaration. The court may permit an affidavit or declaration to be supplemented or opposed by depositions, answers to interrogatories or additional affidavits or declarations.

(2) *Opposing party's obligation to respond.* When a motion for summary judgment is properly made and supported, an opposing party may not rely merely on allegations or denials in its own pleading; rather, its response must, by affidavits or by declarations pursuant to K.S.A. 53-601, and amendments thereto, or as otherwise provided in this section, set out specific facts showing a genuine issue for trial. If the opposing party does not so respond, summary judgment should, if appropriate, be entered against that

party.

(f) *When affidavits or declarations are unavailable.* If a party opposing the motion shows by affidavit or by declaration pursuant to K.S.A. 53-601, and amendments thereto, that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:

(1) Deny the motion;

(2) order a continuance to enable affidavits or declarations to be obtained, depositions to be taken or other discovery to be undertaken; or

(3) issue any other just order.

(g) *Affidavits or declarations submitted in bad faith.* If satisfied that an affidavit or declaration under this section is submitted in bad faith or solely for delay, the court must order the submitting party or attorney to pay the other party the reasonable expenses, including attorney's fees, it incurred as a result. An offending party or attorney may be held in contempt.

~~(h) Fee for filing a motion for summary judgment. (1) On and after July 1, 2014, any party filing a motion for summary judgment shall pay a fee in the amount of \$195 to the clerk of the district court.~~

~~(2) A poverty affidavit may be filed in lieu of a fee as established in K.S.A. 60-2001, and amendments thereto.~~

~~(3) The fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.~~

~~(4) 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.~~

~~(5) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.~~

~~(6) The provisions of this subsection shall not apply to an action pursuant to the code of civil procedure for limited actions.~~

Sec. 23. On July 1, 2015, K.S.A. 2014 Supp. 60-729 is hereby amended to read as follows: 60-729. (a) Garnishment is a procedure whereby the wages, money or intangible property of a person can be seized or attached pursuant to an order of garnishment issued by the court under the conditions set forth in the order.

(b) On and after July 1, 2014, any party requesting an order of garnishment shall pay a fee in the amount of \$7.50 to the clerk of the district court.

(c) A poverty affidavit may be filed in lieu of a fee as established in K.S.A. 60-2001, and amendments thereto.

(d) The fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

(e) Except as provided further, the fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2014, through July 1, 2015,~~ The supreme court may impose an additional charge, not to exceed \$12.50 per fee, to fund the costs of non-judicial personnel.

(f) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.

Sec. 24. On July 1, 2015, K.S.A. 2014 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 \$173 on and after July 1, 2014, 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 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 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. 2014 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. 25. On July 1, 2015, K.S.A. 2014 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 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. 26. On July 1, 2015, K.S.A. 2014 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 \$35 on and after July 1, 2014, if the claim does not exceed \$500; or \$55 on and after July 1, 2014, 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 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. 27. On July 1, 2015, K.S.A. 2014 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 \$35 on and after July 1, 2013, if the amount in controversy or claimed does not exceed \$500; \$55 on and after July 1, 2013, if the amount in controversy or claimed exceeds \$500 but does not exceed \$5,000; or \$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 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(b), (c) and (d)~~ and 60-2005, and amendments thereto, shall be applicable to lawsuits brought under the code of civil procedure for limited actions.

Sec. 28. On July 1, 2015, K.S.A. 2014 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 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.

New Sec. 29. The provisions of this act are not severable, nor are they severable from the provisions of 2014 Senate Substitute for House Bill No. 2338, chapter 82 of the 2014 Session Laws of Kansas. If any provision of this act or of 2014 Senate Substitute for House Bill No. 2338, chapter 82 of the 2014 Session Laws of Kansas, is stayed or is held to be invalid or unconstitutional, it shall be presumed conclusively that the legislature would not have enacted the remainder of this act without such stayed, invalid or unconstitutional provision and the provisions of this act are hereby declared to be null and void and shall have no force and effect.

Sec. 30. K.S.A. 2014 Supp. 60-256 is hereby repealed.

Sec. 31. On July 1, 2015, K.S.A. 2014 Supp. 8-2107, 8-2110, 20-362, 20-3021, 21-6614, 21-6614e, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 are hereby repealed.";

Also on page 1, in line 17, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly:

On page 1, in the title, in line 1, by striking all after "ACT"; in line 2, by striking all before the period and inserting "concerning the judicial branch; relating to court fees, docket fees and court costs; relating to dispositive motions; judicial branch surcharge fund, electronic filing and management fund and judicial branch docket fee fund; making and concerning appropriations for the fiscal years ending June 30, 2016, and June 30, 2017, for the judicial branch; amending K.S.A. 2014 Supp. 8-2107, 8-2110, 20-362, 20-3021, 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, 60-256, 60-729, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 21-6614e";

And the bill be passed as amended.

Your 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:

KPERS Board of Trustees, Member: K.S.A. 74-4905

Chris Long, to fill a term expiring on January 15, 2019

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Tuesday, March 24, 2015.

# Journal of the Senate

FORTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 24, 2015, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

The warming temperatures remind us of new life and new beginnings; the planting and growing of the new crops in the field, and the return of afternoon sports and cook-outs. Help us, Dear Lord, to give thanks for all the seasons and the joy that the changes bring to our hearts. Help us to be good stewards of the good earth you have entrusted to our care, and as it blesses us help us to bless you. In your holy name. 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 297**, AN ACT concerning impeachment; relating to the grounds for impeachment of justices of the supreme court, by Committee on Judiciary.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 296**.  
Federal and State Affairs: **HB 2387**.

## MESSAGE FROM THE HOUSE

Announcing passage of **HB 2112**.  
Announcing passage of **SB 73**, **SB 150**.  
Also, passage of **SB 108**, as amended; **SB 124** as amended; **SB 127**, as amended; **SB 154**.

The House nonconcurrs in Senate amendments to **HB 2025**, requests a conference and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Sub SB 38** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 228** and has appointed Representatives Johnson, Thompson and Trimmer as conferees on the part of the House.

## INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2112** was thereupon introduced and read by title.

## FINAL ACTION ON CONSENT CALENDAR

**SB 278, SB 288; HB 2103, HB 2126** and **HB 2246** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 278**, AN ACT designating Cowley county the official stone bridge capital of Kansas.

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

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

The bill passed.

**SB 288**, AN ACT concerning motor vehicles; relating to commercial drivers' licenses; endorsements or restrictions; amending K.S.A. 2014 Supp. 8-2,135 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**HB 2103**, AN ACT designating bridge no. 14(030) on Kansas highway 15 in Clay county as the Clay county Vietnam veterans bridge.

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

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

The bill passed.

**HB 2126**, AN ACT concerning insurance; relating to risk-based capital instructions; property and casualty actuarial opinion law; amending K.S.A. 2014 Supp. 40-223j and 40-2c01 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**HB 2246**, AN ACT concerning municipalities; dealing with payment of claims; amending K.S.A. 2014 Supp. 12-105a and 12-105b 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Olson moved the Senate concur in House amendments to **SB 109**.

**SB 109**, AN ACT concerning emergencies and disasters; creating the Kansas disaster utilities response act; department of revenue.

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

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

The Senate concurred.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 31**, AN ACT concerning taxation; relating to permitted use of tax information; tax liens upon personal property; warrants; time for returns and payment of tax; liability for persons responsible for collection of sales or compensating tax; amending K.S.A. 2014 Supp. 75-5133, 79-3234, 79-3235, 79-3235a, 79-3607, 79-3617, 79-3643 and 79-41a03 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 79-3235b, 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Tyson.

The bill passed, as amended.

**SB 63**, AN ACT concerning municipalities; relating to land banks; amending K.S.A. 19-26,111 and K.S.A. 2014 Supp. 12-5909 and repealing the existing sections, 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, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Melcher, Olson, Pilcher-Cook, Pyle.

The bill passed, as amended.

**SB 64**, AN ACT concerning public water supply storage; amending K.S.A. 2014 Supp. 82a-1604, 82a-1605 and 82a-1606 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 270**, AN ACT concerning income tax; relating to credits; low income students scholarship program, eligible students; amending K.S.A. 2014 Supp. 72-99a02, 72-99a03 and 72-99a04 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt, Wolf.

The bill passed.

**SB 271**, AN ACT regulating traffic; concerning size limitations of certain vehicles; exceptions, forage cutter and custom harvester; amending K.S.A. 2014 Supp. 8-1904 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 280**, AN ACT concerning sales taxation; relating to countywide retailers' sales tax, authority for Thomas county and Bourbon county; amending K.S.A. 2014 Supp.

12-187 , 12-189 and 12-192 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

**SB 290**, AN ACT concerning the Kansas code of military justice; relating to commanding officer's nonjudicial punishment; amending K.S.A. 48-2301 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**HB 2061**, AN ACT concerning agriculture; relating to the Kansas department of agriculture division of conservation; state conservation commission; powers and duties thereof; amending K.S.A. 2014 Supp. 2-1904 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Pettey, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Abrams, Arpke, Baumgardner, Fitzgerald, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Tyson.

The bill passed, as amended.

**HB 2106**, AN ACT concerning securities; relating to the Kansas uniform securities act; criminal penalties; fees; criminal procedure; amending K.S.A. 17-12a204 and K.S.A. 2014 Supp. 17-12a508 and 17-12a601 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 17-12a601a, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**HB 2149**, AN ACT concerning the Kansas program of medical assistance; relating to donor human breast milk and medications used under medicaid; amending K.S.A. 2014

Supp. 39-7,119, 39-7,120 and 39-7,121b 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed, as amended.

**HB 2165**, AN ACT concerning municipalities; contacts; filling vacancies in certain improvement districts; amending K.S.A. 12-2908, 19-2761 and 19-27a19 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**HB 2183**, AN ACT concerning campaign finance; relating to candidate, contributor and lobbyist filings; relating to use of campaign funds; certain prohibited actions by candidates; relating to political campaigns and technology; concerning political signs; amending K.S.A. 25-904, 25-4157, 25-4173 and 46-268 and K.S.A. 2014 Supp. 25-4148a, 25-4153a, 25-4156, 25-4157a and 25-4169a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 9; Present and Passing 2; Absent or Not Voting 0.

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

Nays: Bowers, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Schmidt, Wolf.

Present and Passing: Francisco, Hawk.

The bill passed, as amended.

**HB 2192**, AN ACT concerning the secretary of health and environment; relating to solid and hazardous waste, Kansas storage tank act; creating the environmental stewardship fund; amending K.S.A. 65-34,119 and K.S.A. 2014 Supp. 65-34,117 and 65-34,131 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**HB 2193**, AN ACT concerning the secretary of health and environment; relating to environmental remediation; risk management program act; voluntary cleanup and property redevelopment act; amending K.S.A. 65-34,167, 65-34,168 and 65-34,169 and repealing the existing sections; also repealing K.S.A. 65-34,170, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**S Sub HB 2225**, AN ACT concerning the healing arts; regarding licenses and medical retainer agreements; access to health care records; amending K.S.A. 65-2811a, 65-2852, as amended by section 21 of chapter 131 of the 2014 Session Laws of Kansas, 65-2857, as amended by section 22 of chapter 131 of the 2014 Session Laws of Kansas, 65-2860, as amended by section 24 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a02, as amended by section 42 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a08, as amended by section 47 of chapter 131 of the 2014 Session Laws of Kansas, 65-4941 and 65-4942 and K.S.A. 2013 Supp. 65-1626, as amended by section 4 of chapter 131 of the 2014 Session Laws of Kansas, 65-2809, as amended by section 7 of chapter 131 of the 2014 Session Laws of Kansas, 65-2836, as amended by section 10 of chapter 131 of the 2014 Session Laws of Kansas, 65-2895, as amended by section 36 of chapter 131 of the 2014 Session Laws of Kansas, 65-28,127, as amended by section 40 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a03, as amended by section 43 of chapter 131 of the 2014 Session Laws of Kansas, 65-4101, as amended by section 50 of chapter 131 of the 2014 Session Laws of Kansas and 72-8252, as amended by section 54 of chapter 131 of the 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 65-6824 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed.

**HB 2275**, AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, II, III and IV; amending K.S.A. 2014 Supp. 65-4105, 65-4107, 65-4109 and 65-4111 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-

Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**S Sub HB 2281**, AN ACT concerning the commissioner of insurance; relating to powers, duties and functions relating to the vision care services act and the medical assistance fee fund; amending K.S.A. 2014 Supp. 40-2404, 40-3213, 40-5905 and 40-5906 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill 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 McGinn in the chair.

The morning session recommended:

**SB 224, SB 245, HB 2009** be passed.

**HB 2064, HB 2142** be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2042** recommending a **S Sub HB 2042** be adopted, and the substitute bill be passed.

The committee report on **HB 2043** recommending a **S Sub HB 2043** be adopted, and the substitute bill be passed.

The committee report on **HB 2101** recommending a **S Sub HB 2101** be adopted, and the substitute bill be passed.

The adoption of committee amendments on **HB 2051** occurred on March 17, 2015. **HB 2051**, be further amended by Senator O'Donnell on page 3, following line 22, by inserting:

"(6) The secretary of corrections shall publish all program credits earned by an inmate on the public website of the department of corrections if the inmate consents and such publication is not prohibited or restricted by state or federal law. The provisions of this paragraph shall be implemented as soon as practicable and no later than July 1, 2015." and **HB 2051** be passed as further amended

**HB 2336** be amended by the adoption of the committee amendments, be further amended by motion of Senator Smith, on page 1, in line 6, before "K.S.A" by inserting "On and after July 1, 2015,";

On page 7, following line 16, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 38-2366 is hereby amended to read as follows: 38-2366. (a) When a juvenile offender who is;

(1) Under 16 years of age at the time of the sentencing, has been prosecuted and

convicted as an adult or under the extended jurisdiction juvenile prosecution, and has been placed in the custody of the secretary of the department of corrections, the secretary shall notify the sheriff having the offender in custody to convey such juvenile offender at a time designated by the juvenile justice authority department of corrections to a juvenile correctional facility. ~~The commissioner secretary~~ shall notify the court, in writing, of the initial placement of the offender in the specific juvenile correctional facility as soon as the placement has been accomplished.

(2) At least 16 but less than 18 years of age at the time of sentencing, has been prosecuted and convicted as an adult or under the extended jurisdiction juvenile prosecution, and has been placed in the custody of the secretary, the secretary shall notify the sheriff having the offender in custody to convey such juvenile offender at a time designated by the department of corrections to a juvenile correctional facility or adult correctional institution. The secretary shall notify the court, in writing, of the initial placement of the offender in the specific juvenile correctional facility or adult correctional institution as soon as the placement has been accomplished.

~~The commissioner secretary~~ shall not permit the juvenile offender to remain detained in any jail 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, after the ~~commissioner secretary~~ has received the written order of the court placing the offender in the custody of the ~~commissioner secretary~~. If such placement cannot be accomplished, the offender may remain in jail for an additional period of time, not exceeding 10 days, which is specified by the ~~commissioner secretary~~ and approved by the court.

(b) Except as provided in subsection (a), a juvenile who has been prosecuted and convicted as an adult shall not be eligible for admission to a juvenile correctional facility. All other conditions of the offender's sentence imposed under this code, including restitution orders, may remain intact. ~~The provisions of this subsection shall not apply to an offender who: (1) Is under 16 years of age at the time of the sentencing; (2) has been prosecuted as an adult or under extended juvenile jurisdiction; and (3) has been placed in the custody of the secretary of corrections, requiring admission to a juvenile correctional facility pursuant to subsection (a);~~

Also on page 7, in line 17, before "K.S.A" by inserting "On and after July 1, 2015,";

On page 11, following line 41, by inserting:

"Sec. 4. K.S.A. 2014 Supp. 38-2366 is hereby repealed.";

Also on page 11, in line 42, before "K.S.A" by inserting "On and after July 1, 2015,";

On page 12, in line 1, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "tool;" by inserting "placement in the custody of the secretary of corrections;"; also in line 2, after "38-2361" by inserting ", 38-2366" and **HB 2336** be passed as further amended.

The committee rose and reported progress (see Committee of the Whole, afternoon session).

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.

### MESSAGE FROM THE GOVERNOR

*To the Senate of the State of Kansas:*

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

SAM BROWNBACK  
*Governor*

*Member, State Board of Indigent Defense Services, Roman Rodriguez (R), Wichita, pursuant to the authority vested in me by K.S.A. 22-4519, and effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2016, to succeed John Weber.*

### ORIGINAL MOTION

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2006**.

The Vice President appointed Senators Petersen, Wolf and Pettey 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 2010**.

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 2025**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2044**.

The Vice President appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **S Sub HB 2090**.

The Vice President appointed Senators Petersen, Wolf and Pettey 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 2231**.

The Vice President appointed Senators Olson, Petersen and Francisco 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 2364**.

The Vice President appointed Senators Love, Kerschen and Francisco as conferees on the part of the Senate.

**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 McGinn in the chair.

On motion of Senator McGinn the report for the morning and following afternoon sessions were adopted.

**HB 2254** be passed.

**HB 2013**, **HB 2048**, **HB 2259** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 239** be amended by motion of Senator Haley on page 1, by striking all in lines 5 through 25 and inserting the following:

"Section 1. Each political party which is a recognized political party in accordance with K.S.A. 25-302a shall have procedures to select a presidential nominee and shall select a presidential nominee in accordance with such party procedures for the 2016 presidential election, and every fourth year thereafter.;"

Also on page 1, in the title, in line 1, by striking "amending" and inserting "repealing"; in line 2, by striking "and repealing the existing section" and **SB 239** be passed as amended.

**HB 2104** be amended by the adoption of the committee amendments, be amended by motion of Senator Francisco on, page 4, in line 15, by striking "seven" and inserting "10" and **HB 2104** be passed as further amended.

**HB 2216** be amended by the adoption of the committee amendments, be amended by motion of Senator Smith, on page 18, following line 4, by inserting:

"New Sec. 9. There is hereby established an enabling savings program and such program shall be known and may be cited as the Kansas ABLE savings program. The purpose of the Kansas ABLE savings program is to authorize the establishment of savings accounts empowering individuals with a disability and their families to save private funds to support the individual with a disability and to provide guidelines for the maintenance of such accounts.

New Sec. 10. As used in this act:

(a) "Account" or "ABLE savings account" means an individual savings account established in accordance with the provisions of this act.

(b) "Account owner" means the person who enters into an ABLE savings agreement pursuant to the provisions of this act. The account owner must also be the designated beneficiary. A conservator or guardian may be appointed as an account owner for a designated beneficiary who is a minor or lacks capacity to enter into an agreement.

(c) "Conservator" means a person appointed by the court pursuant to K.S.A. 59-3050 et seq., and amendments thereto.

(d) "Designated beneficiary" means a Kansas resident whose qualified disability expenses may be paid from the account. The designated beneficiary must be an eligible individual at the time the account is established. The account owner may change the designated beneficiary.

(e) "Eligible individual" means an individual who is entitled to benefits based on blindness or disability under 42 U.S.C. § 401 et seq. or 42 U.S.C. § 1381 et seq., as amended, and such blindness or disability occurred before the date on which the individual attained age 26, or an individual who filed a disability certification, to the satisfaction of the secretary, with the secretary for such taxable year.

(f) "Financial organization" means an organization authorized to do business in the state of Kansas and is:

- (1) Licensed or chartered by the commissioner of insurance;
- (2) licensed or chartered by the state bank commissioner;
- (3) chartered by an agency of the federal government; or
- (4) subject to the jurisdiction and regulation of the securities and exchange commission of the federal government.

(g) "Guardian" means a person appointed by the court pursuant to K.S.A. 59-3050 et seq., and amendments thereto.

(h) "Management contract" means the contract executed by the treasurer and a financial organization selected to act as a depository and manager of the program.

(i) "Member of the family" has the meaning ascribed thereto in section 529A of the federal internal revenue code of 1986, as amended.

(j) "Nonqualified withdrawal" means a withdrawal from an account which is not:

- (1) A qualified withdrawal; or
- (2) a rollover distribution.

(k) "Program" means the Kansas ABLE savings program established pursuant to this act.

(l) "Program manager" means a financial organization selected by the treasurer to act as a depository and manager of the program.

(m) "Qualified disability expense" means any qualified disability expense included in section 529A of the federal internal revenue code of 1986, as amended.

(n) "Qualified withdrawal" means a withdrawal from an account to pay the qualified disability expenses of the designated beneficiary of the account.

(o) "Rollover distribution" means a rollover distribution as defined in section 529A of the federal internal revenue code of 1986, as amended.

(p) "Savings agreement" means an agreement between the program manager or the treasurer and the account owner.

(q) "Secretary" means the secretary of the United States treasury.

(r) "Treasurer" means the state treasurer.

New Sec. 11. (a) The treasurer shall implement and administer the program under the terms and conditions established by this act. In furtherance of such implementation and administration, the treasurer shall have the authority and responsibility to:

(1) Develop and implement the program in a manner consistent with the provisions of this act;

(2) engage the services of consultants on a contract basis for rendering professional and technical assistance and advice;

(3) seek rulings and other guidance from the secretary and the federal internal revenue service relating to the program;

(4) make changes to the program required for the participants in the program to obtain the federal income tax benefits or treatment provided by section 529A of the federal internal revenue code of 1986, as amended;

(5) charge, impose and collect administrative fees and service charges in connection with any agreement, contract or transaction relating to the program;

(6) develop marketing plans and promotion material;

(7) establish the methods by which the funds held in accounts shall be dispersed;

(8) establish the method by which funds shall be allocated to pay for administrative

costs;

- (9) do all things necessary and proper to carry out the purposes of this act;
- (10) promulgate rules and regulations necessary to effectuate the provisions of this act;
- (11) make an annual evaluation of the ABLE savings program and prepare an annual report of such evaluation to be provided to the governor, the senate and the house of representatives; and

(12) notify the secretary when an account has been opened for a designated beneficiary and submit other reports concerning the program required by the secretary.

(b) The treasurer may enter into agreements with other states to either allow Kansas residents to participate in a plan operated by another state or to allow residents of other states to participate in the Kansas ABLE program.

New Sec. 12. (a) The treasurer may implement the program through use of financial organizations as account depositories and managers. The treasurer may solicit proposals from financial organizations to act as depositories and managers of the program. Financial organizations submitting proposals shall describe the investment instruments which will be held in accounts. The treasurer may select more than one financial organization and investment instrument for the program. The treasurer shall select as program depositories and managers the financial organization, from among the bidding financial organizations, that demonstrates the most advantageous combination, both to potential program participants and this state, of the following factors:

- (1) Financial stability and integrity of the financial organization;
- (2) the safety of the investment instrument being offered;
- (3) the ability of the financial organization to satisfy recordkeeping and reporting requirements;
- (4) the financial organization's plan for promoting the program and the investment the organization is willing to make to promote the program;
- (5) the fees, if any, proposed to be charged to the account owners;
- (6) the minimum initial deposit and minimum contributions that the financial organization will require;
- (7) the ability of the financial organization to accept electronic withdrawals, including payroll deduction plans; and
- (8) other benefits to the state or its residents included in the proposal, including fees payable to the state to cover expenses of operation of the program.

(b) The treasurer may enter into any contracts with a financial organization necessary to effectuate the provisions of this act. Any management contract shall include, at a minimum, terms requiring the financial organization to:

- (1) Take any action required to keep the program in compliance with requirements of this act and any actions not contrary to its contract to manage the program to qualify as a "qualified ABLE program" as defined in section 529A of the federal internal revenue code of 1986, as amended;
- (2) keep adequate records of each account, keep each account segregated from each other account and provide the treasurer with the information necessary to prepare the statements required by section 13, and amendments thereto;
- (3) compile and total information contained in statements required to be prepared under section 13, and amendments thereto, and provide such compilations to the treasurer;

(4) if there is more than one program manager, provide the treasurer with such information as is necessary to determine compliance with section 13, and amendments thereto;

(5) provide the treasurer with access to the books and records of the program manager to the extent needed to determine compliance with the contract, this act, and section 529A of the federal internal revenue code of 1986, as amended;

(6) hold all accounts for the benefit of the account owner or owners;

(7) be audited at least annually by a firm of certified public accountants selected by the program manager and provide the results of such audit to the treasurer;

(8) provide the treasurer with copies of all regulatory filings and reports made by the financial organization during the term of the management contract or while the financial organization is holding any accounts, other than confidential filings or reports that will not become part of the program. The program manager shall make available for review by the treasurer the results of any periodic examination of such manager by any state or federal banking, insurance or securities commission, except to the extent that such report or reports may not be disclosed under law; and

(9) ensure that any description of the program, whether in writing or through the use of any media, is consistent with the marketing plan developed pursuant to the provisions of this act.

(c) The treasurer may:

(1) Enter into such contracts as it deems necessary and proper for the implementation of the program;

(2) require that an audit be conducted of the operations and financial position of the program depository and manager at any time if the treasurer has any reason to be concerned about the financial position, the recordkeeping practices or the status of accounts of such program depository and manager; and

(3) terminate or not renew a management agreement. If the treasurer terminates or does not renew a management agreement, the treasurer shall take custody of accounts held by such program manager and shall seek to promptly transfer such accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible.

(d) The treasurer, the department for children and families, the department of health and environment and the department for aging and disability services are authorized to exchange data regarding eligible individuals to carry out the purposes of this act.

New Sec. 13. (a) Any ABLE savings accounts established pursuant to the provisions of this act shall be opened by a designated beneficiary or a conservator or guardian of a designated beneficiary who lacks capacity to enter into a contract and each beneficiary may have only one account. The treasurer may establish a nonrefundable application fee. An application for such account shall be in the form prescribed by the treasurer and contain the:

(1) Name, address and social security number of the account owner;

(2) name, address and social security number of the designated beneficiary, if the account owner is the beneficiary's conservator or guardian;

(3) certification relating to no excess contributions; and

(4) additional information as the treasurer may require.

(b) Any person may make contributions to an ABLE savings account after the account is opened, subject to the limitations imposed by section 529A of the federal

internal revenue code of 1986, as amended, or any rules and regulations promulgated by the secretary pursuant to this act.

(c) Contributions to ABLE savings accounts only may be made in cash. The treasurer or program manager shall reject or promptly withdraw contributions:

- (1) In excess of the limits established pursuant to subsection (b); or
- (2) the total contributions if the:

(A) Value of the account is equal to or greater than the account maximum established by the treasurer. Such account maximum must be equal to the account maximum for postsecondary education savings accounts established pursuant to K.S.A. 75-640 et seq., and amendments thereto; or

(B) designated beneficiary is not an eligible individual in the current calendar year.

(d) (1) An account owner may:

(A) Change the designated beneficiary of an account to an individual who is a member of the family of the prior designated beneficiary in accordance with procedures established by the treasurer; and

(B) transfer all or a portion of an account to another ABLE savings account, the designated beneficiary of which is a member of the family as defined in section 529A of the federal internal revenue code of 1986, as amended.

(2) No account owner may use an interest in an account as security for a loan. Any pledge of an interest in an account shall be of no force and effect.

(e) (1) If there is any distribution from an account to any individual or for the benefit of any individual during a calendar year, such distribution shall be reported to the federal internal revenue service and each account owner, the designated beneficiary or the distributee to the extent required by state or federal law.

(2) Statements shall be provided to each account owner at least four times each year within 30 days after the end of the three-month period to which a statement relates. The statement shall identify the contributions made during the preceding three-month period, the total contributions made to the account through the end of the period, the value of the account at the end of such period, distributions made during such period and any other information that the treasurer shall require to be reported to the account owner.

(3) Statements and information relating to accounts shall be prepared and filed to the extent required by this act and any other state or federal law.

(f) (1) The program shall provide separate accounting for each designated beneficiary. An annual fee may be imposed upon the account owner for the maintenance of an account.

(2) Moneys in an ABLE savings account:

(A) Shall be exempt from attachment, execution or garnishment as provided by K.S.A. 60-2308, and amendments thereto; and

(B) may be claimed by the Kansas medicaid plan only after the death of the designated beneficiary subject to limitations imposed by the secretary.

New Sec. 14. (a) Nothing in this act shall create or be construed to create any obligation of the treasurer, the state or any agency or instrumentality of the state to guarantee for the benefit of any account owner or designated beneficiary with respect to the:

- (1) Return of principal;
- (2) rate of interest or other return on any account; or

(3) payment of interest or other return on any account.

(b) The treasurer may promulgate rules and regulations to provide that every contract, application or other similar document that may be used in connection with opening an account clearly indicates that the account is not insured by the state and that the principal deposited and the investment return are not guaranteed by the state.

New Sec. 15. (a) The Kansas ABLE savings program trust fund is hereby established in the state treasury. The fund shall be utilized if the treasurer elects to accept deposits from contributors rather than have deposits sent directly to the program manager. Such fund shall consist of any moneys deposited by contributors in accordance with this act which are not deposited directly with the program manager. All interest derived from the deposit and investment of moneys in such savings trust fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in such savings trust fund shall remain therein and not be credited or transferred to the state general fund or to any other fund.

(b) (1) The Kansas ABLE savings expense fund is hereby established in the state treasury. The fund shall consist of moneys received from the ABLE savings program manager, or any governmental or private grants and any state general fund appropriations, if any, for the program.

(2) All expenses incurred by the treasurer in developing and administering the ABLE savings program shall be payable from the Kansas ABLE savings expense fund.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "banks and banking, financial institutions" and inserting "financial organizations"; in line 3, by striking "branch banking,"; also in line 3, after the semicolon by inserting "enacting the Kansas ABLE savings program;" and **HB 2216** be passed as further amended

The committee report on **HB 2326** recommending a **S Sub HB 2326** be adopted, and the substitute bill be passed.

Having voted on the prevailing side, Senator Wagle motioned to reconsider action on **S Sub HB 2326**.

**S Sub HB 2326** be amended by motion of Senator Melcher, on page 2, by striking all in lines 23 through 29; in line 38, by striking "and"; in line 39, by striking all before the period; in line 40, after "(A)" by inserting "Minimum amount of";

On page 3, in line 3, by striking "and nonrenewal"; in line 40, after the comma by inserting "and matters which relate to nonrenewal of contracts";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 4, following line 8, by inserting:

"Sec. 2. K.S.A. 72-5422 is hereby amended to read as follows: 72-5422. (a) Except as otherwise expressly provided ~~herein~~ by law, this act shall not operate so as to annul, modify or preclude the renewal or continuation of any lawful agreement ~~heretofore~~ entered into between a board of education and a professional employees' organization covering terms and conditions of professional service.

(b) Any agreement entered into between a board of education and a professional employees' organization prior to July 1, 2015, shall continue beyond such date if the express terms of such agreement provide for a date upon which the agreement terminates or expires that is on or after July 1, 2015. In no event shall any such

agreement be extended beyond any such termination date provided therein, nor shall any such agreement be renewed or otherwise continue to be in effect beyond any such termination date.”;

Also on page 4, in line 34, after "means" by inserting "the minimum amount of”;

On page 5, following line 25, by inserting:

"Sec. 4. K.S.A. 72-5429 is hereby amended to read as follows: 72-5429. All of the costs incurred for mediation under K.S.A. 72-5427 ~~and for fact finding under K.S.A. 72-5428, and amendments thereto,~~ shall be borne equally by the board of education and the professional employees' organization involved therein. The payment of such costs shall be at such time and in such manner as is determined by the secretary.

Sec. 5. K.S.A. 72-5430 is hereby amended to read as follows: 72-5430. (a) The commission of any prohibited practice, as defined in this section, among other actions, shall constitute evidence of bad faith in professional negotiation.

(b) It shall be a prohibited practice for a board of education or its designated representative willfully to:

(1) Interfere with, restrain or coerce professional employees in the exercise of rights granted in K.S.A. 72-5414, and amendments thereto;

(2) dominate, interfere or assist in the formation, existence, or administration of any professional employees' organization;

(3) discriminate in regard to hiring or any term or condition of employment to encourage or discourage membership in any professional employees' organization;

(4) discharge or discriminate against any professional employee because such professional employee has filed any affidavit, petition or complaint or given any information or testimony under this act, or because such professional employee has formed, joined or chosen to be represented by any professional employees' organization;

(5) refuse to negotiate in good faith with representatives of recognized professional employees' organizations as required in K.S.A. 72-5423, and amendments thereto;

(6) deny the rights accompanying recognition of a professional employees' organization which are granted in K.S.A. 72-5415, and amendments thereto;

(7) refuse to participate in good faith in the mediation as provided in K.S.A. 72-5427 ~~or fact finding efforts as provided in K.S.A. 72-5428, and amendments thereto,~~ or arbitration pursuant to an agreement entered into pursuant to K.S.A. 72-5424, and amendments thereto; or

(8) institute or attempt to institute a lockout.

(c) It shall be a prohibited practice for professional employees or professional employees' organizations or their designated representatives willfully to:

(1) Interfere with, restrain or coerce professional employees in the exercise of rights granted in K.S.A. 72-5414, and amendments thereto;

(2) interfere with, restrain or coerce a board of education with respect to rights or duties which are reserved thereto under K.S.A. 72-5423, and amendments thereto, or with respect to selecting a representative for the purpose of professional negotiation or the adjustment of grievances;

(3) refuse to negotiate in good faith with the board of education or its designated representatives as required in K.S.A. 72-5423, and amendments thereto;

(4) refuse to participate in good faith in the mediation as provided in K.S.A. 72-5427 ~~or fact finding efforts as provided in K.S.A. 72-5428, and amendments thereto,~~ or

arbitration pursuant to an agreement entered into pursuant to K.S.A. 72-5424, and amendments thereto; or

(5) authorize, instigate, aid or engage in a strike or in picketing of any facility under the jurisdiction and control of the board of education.";

Also on page 5, in line 26, after the first "K.S.A." by inserting "72-5422,"; also in line 26, after "72-5423" by inserting ", 72-5428, 72-5429 and 72-5430";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first "K.S.A." by inserting "72-5422,"; also in line 2, after "72-5423" by inserting ", 72-5429 and 72-5430"; in line 3, after "sections" by inserting "; also repealing K.S.A. 72-5428"

and **S Sub HB 2326** be passed as amended.

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

On roll call, the vote was: Yeas 20; Nays 18; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, Lynn, Masterson, Melcher, Olson, Pilcher-Cook, Powell, Pyle, Smith, Wagle, Wilborn.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, McGinn, Ostmeyer, Petersen, Pettey, Schmidt, Tyson, Wolf.

Present and Passing: Love, O'Donnell.

The committee report on **HB 2096** recommending **S Sub HB 2096** be adopted.

A motion to amend **S Sub HB 2096** by Senator Love failed.

Upon the showing of five hands a roll call vote was requested and the following amendment was rejected: on page 17, in line 6, before "for" by inserting "deducted from a member's paycheck";

On page 18, by striking all in lines 27 through 43;

On page 19, by striking all in lines 1 and 2;

And by renumbering sections accordingly

On roll call, the vote was: Yeas 13; Nays 19; Present and Passing 7; Absent or Not Voting 1.

Yeas: Bowers, Bruce, Donovan, King, LaTurner, Longbine, Love, Masterson, McGinn, Ostmeyer, Petersen, Schmidt, Wolf.

Nays: Abrams, Arpke, Baumgardner, Denning, Faust-Goudeau, Fitzgerald, Hawk, Holland, Kerschen, Knox, Lynn, Melcher, Olson, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wilborn.

Present and Passing: Francisco, Haley, Hensley, Holmes, Kelly, Pettey, Wagle.

Absent or Not Voting: O'Donnell.

#### EXPLANATION OF VOTE

Mr. Vice President: When writing the original amendment last week for the Commerce Committee approval, it was truly my intention to streamline the payroll process of all public employees. Second, I wanted to assure a sense of fairness in the application of prohibitions of payroll deductions for all, not just those that chose to be union members. Third, I felt it was important to keep our government out of the business of fee or donation collections. This also protects the confidentiality of employee discretionary spending. Finally, I believed the state would realize a financial

savings, because it does cost 6½ cents for every paycheck, every pay period, to withhold special deductions. For these reasons I “Oppose” the new amendment. —

MOLLY BAUMGARDNER

Senators Abrams, Lynn, and Melcher request the record to show they concur with the “Explanation of Vote” offered by Senator Baumgardner on **S Sub HB 2096**.

**SB 267; S Sub HB 2094, S Sub HB 2096** be passed over and retain a place on the calendar.

### REPORTS OF STANDING COMMITTEES

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

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

By the Governor:

Kansas State Banking Board, Member: K.S.A. 74-3004

Linda Wessell, to fill a term expiring on March 15, 2018.

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

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

By the Governor:

Kansas State Banking Board, Member: K.S.A. 74-3004

Casey Lair, to fill a term expiring on March 15, 2018.

Committee on **Local Government** recommends **HB 2003**, as amended by House Committee of the Whole, be amended on page 2, following line 34, by inserting:

"(h) No land shall be annexed pursuant to subsections (a)(1), (4), (5) and (6) without express consent of the board of county commissioners by resolution adopted within 30 days following the conclusion of the hearing on the proposed annexation as required by K.S.A. 12-520a, and amendments thereto.";

On page 3, in line 30, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

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

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

By the Governor:

Department of Health and Environment, Secretary: K.S.A. 75-5601

Dr. Susan Mosier, serves at the pleasure of the Governor.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, March 25, 2015.

# Journal of the Senate

FORTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 25, 2015, 10:00 a.m.

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

The roll was called with 40 senators present.

The Vice President introduced Chaplain Patrick Cobb, Deputy Staff Chaplain for the United States Disciplinary Barracks, Ft. Leavenworth, Kansas, who offered the invocation in recognition of Armed Forces Appreciation Day, March 26.

Thank you for what you do for the great state of Kansas, it is truly an honor and a privilege to be able to open this meeting with prayer and gratitude for our country. Pray with me:

Almighty and everlasting God, you have revealed your glory through many facets of life. From the depths of the oceans to the heights of the mountains, from the nurturing Great Plains to the austerity of the desert; we can't help but realize that we are but dust in the wind. With this Lord, we humbly ask to make our time count. Each and every human being knows, deep down inside them, that they were born with a purpose, created not for harm but for good. So it is with this knowledge that we ask continuously to build us up to be men and women after your own heart. Men and women with integrity, leaders bound by truth, servants who are generous, loving, charitable and bold. Lord, bless this institution for the whole of our country, help them to plan and prepare for our future, our children's future and each succeeding generation. Bless the cities small and large, give them peace to work together, remove from our minds indifference of race and culture. Unite us as a free people, bound to uphold liberty and set on offering mercy and compassion. Help us to apply justice, help us to work through tragedy and give your people rest for the hard labor and jobs that are never ending.

Lord, you are known by many names and our words can't exhaust your omniscience or your omnipotence, but we trust in you to guide us to do what is right. Bless each person here as they make decisions for the people of Kansas. For the teachers, healthcare providers, farmers and public servants and for those whose work goes unseen. Bless them all with good merit, health and success. May they all be told, "Well done good and faithful servant."

We ask finally to protect us always, and keep us from temptation and hatred. Watch over our military's men and women who serve you and this country without hesitation to step in front of evil and those who would like to see us fall. Help us to forgive yet never surrender. We simply ask to bring our Soldiers home so they may enjoy the fruits of their own sacrifice and live in peace with their own families. Lord, give us faith, hope and love in all that we are prescribed to do. We know that much is expected to

those entrusted with responsibility. Let us never take for granted all that we can do through love. Let us love others as we are truly loved. In your name we pray. Amen

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

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was introduced and read by title:

**SB 298**, AN ACT concerning the Kansas liquor control act; enacting the county option retailers act amending K.S.A. 41-103 and 41-711 and K.S.A. 2014 Supp. 41-102, 41-301, 41-303, 41-304, 41-308, 41-308d, 41-310, 41-311, 41-313, 41-326, 41-713 and 79-4108 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:

Judiciary: **SB 297**; **HB 2112**.

### **REFERENCE OF APPOINTMENTS**

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

*Member, State Board of Indigents Defense Services:*

Roman Rodriguez, to serve Term ends January 15, 2016.

(Federal and State Affairs)

### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2233**, **HB 2240**, **HB 2341**, **HB 2391**.

Announcing passage of **SB 8**, **SB 76**, **SB 120**.

Also, passage of **SB 101**, as amended; **SB 156**, as amended; **SB 189**, as amended.

Also, passage of **SB 36**, as amended by **H Sub SB 36**.

### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2233**, **HB 2240**, **HB 2341**, **HB 2391** were thereupon introduced and read by title.

### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Powell the Senate nonconcurrred in the House amendments to **SB 124** and requested a conference committee be appointed.

The Vice President appointed Senators Powell, Kerschen and Francisco as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 127** 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.

### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 224**, AN ACT concerning the emergency medical services board; imposition of fines; investigation authority; issuance of subpoenas; amending K.S.A. 65-6130 and K.S.A. 2014 Supp. 65-6111 and repealing the existing sections, 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: Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Abrams, Baumgardner, LaTurner, Melcher, Olson, Pilcher-Cook, Powell, Pyle, Tyson.

The bill passed.

**SB 239**, AN ACT concerning a presidential preference primary; repealing K.S.A. 2014 Supp. 25-4501, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Haley.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I "Pass" on **SB 239** concerning a Presidential Preference Primary. We have had this debate, sadly, every four (4) years over the twenty (20) years that I have been here. Whether or not to follow Kansas law and hold a primary election wherein voters from both parties, Republican and Democratic, can nominate their respective nominees for U.S. President is constantly denied. As the twice (2002 and 2006) statewide Democratic nominee for Secretary of State, if elected I pledged to actually hold a Presidential primary election and reject the "can't afford democracy" theory. The Kansas economy seemingly never has improved enough for the \$1.7 million statewide election. Although the amendment I offered was ADDED to strike the statutory requirement for the primary, the loss of individual voter privacy (family members/friends publicly differing) and weaker voter ID and affiliation requirements continue to bother me. Both examples are found in Party Caucus alternatives. Oddly, Republicans will seemingly have far more choices and divisions in 2016. (Cruz; Christie? Paul? Trump? Palin? Carson? Huckabee? Unknowns yet...?) Democrats are gelling on consensus for a proven leader already and are less likely to find divided caucuses or primaries on a nominee who will continue to lead our country for the next four years. On behalf of freedom and privacy of voting choice, and though the Caucus system is not without merit, accordingly, I can but "Pass" on **SB 239**.— DAVID HALEY

**SB 245**, AN ACT repealing K.S.A. 68-1111; concerning certain bridge inspections, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**HB 2009**, AN ACT concerning the division of post audit; relating to background checks; amending K.S.A. 2014 Supp. 46-1103 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**HB 2013**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the omega psi phi license plate, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**S Sub HB 2042**, AN ACT concerning statutorily created boards, councils and committees; amending K.S.A. 2014 Supp. 39-7,160 and 39-1605 and repealing the existing sections, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt.

The substitute bill passed.

**S Sub HB 2043**, AN ACT concerning the secretaries for children and families and for aging and disability services; powers, duties and functions: amending K.S.A. 75-5308d, 75-5309, 75-5364, 76-157, 76-158 and 76-12a24 and K.S.A. 2014 Supp. 8-2,144, 8-1025, 21-5909, 36-502, 38-2006, 38-2212, 39-1702, 40-4702, 59-29a24, 65-689, 65-6233, 75-7d01, 75-5321a, 75-53,105, 75-6524 and 75-7033 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed.

**HB 2048**, AN ACT concerning crimes, punishment and criminal procedure; relating to search warrants; amending K.S.A. 2014 Supp. 22-2502 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**HB 2051**, AN ACT concerning crimes, punishment and criminal procedure; relating to the secretary of corrections; good time and program credits; community corrections; use of risk assessment tool; amending K.S.A. 2014 Supp. 21-6821 and 75-5291 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**HB 2064**, AN ACT concerning insurance; relating to legal services insurance, nonprofit dental corporations, subscription agreements, disbursements; amending K.S.A. 40-1102, 40-19a11 and 40-4201 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**S Sub HB 2101**, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; enacting the Kansas deferred retirement option program act; providing terms, conditions, requirements, benefits and contributions related thereto; relating to member election; eligible employer affiliation; interest credits; account distribution, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-

Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed.

**HB 2104**, AN ACT concerning elections; relating to filling vacancies of nominees; amending K.S.A. 22a-102, 25-306b and 25-3905 and K.S.A. 2014 Supp. 25-3904 and 25-3904a and repealing the existing sections, was considered on final action.

Upon the showing of five hands, a call of the Senate was requested.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, 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, Wilborn.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Schmidt, Wolf.

The bill passed, as amended.

The call of the Senate was lifted.

**HB 2142**, AN ACT concerning insurance; relating to required provisions; certain definitions; amending K.S.A. 40-2203 and K.S.A. 2014 Supp. 40-2,118 and 40-22a13 and repealing the existing sections, was considered on final action.

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

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

Nays: Pilcher-Cook.

The bill passed, as amended.

**HB 2216**, AN ACT concerning financial organizations; relating to the Kansas money transmitter act, the Kansas mortgage business act, remote service units; enacting the Kansas ABLE savings program; amending K.S.A. 2014 Supp. 9-508, 9-509, 9-510, 9-511, 9-513a, 9-513b, 9-1111 and 9-2201 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**HB 2254**, AN ACT concerning roofing contractor registration; relating to exemption of certain general contractors; amending K.S.A. 2014 Supp. 50-6,122 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**HB 2259**, AN ACT concerning municipal finance; relating to temporary notes for improvements, indebtedness reporting; amending K.S.A. 10-123 and 10-1007a 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**S Sub HB 2326**, AN ACT concerning school districts; relating to the professional negotiations act; amending K.S.A. 72-5422, 72-5423, 72-5429 and 72-5430 and K.S.A. 2014 Supp. 72-5413 and repealing the existing sections; also repealing K.S.A. 72-5428, was considered on final action.

Upon the showing of five hands, a call of the Senate was requested.

On roll call, the vote was: Yeas 13; Nays 27; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Knox, Lynn, Masterson, Melcher, Olson, Pilcher-Cook, Powell, Pyle, Tyson.

Nays: Bowers, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, Schmidt, Smith, Wagle, Wilborn, Wolf.

A constitutional majority having failed to vote in favor of the substitute bill, **S Sub HB 2326** did not pass.

The call of the Senate was lifted.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on **S Sub HB 2326**. When the governor signed into law **S Sub HB 2506**, there was a great deal of controversy over eliminating due process rights for teachers. The governor made it clear that it would be left to local control, saying individual school districts still would have the option to negotiate matters related to the terms and conditions of the Professional Negotiations Act. This bill goes beyond what the governor intended by ending fact-finding in the bargaining process, sun setting all current contract provisions on their next expiration date, banning the negotiation of salary provisions beyond "minimum salaries," and prohibiting districts and unions from negotiating due process provisions in their contracts. For these reasons, I vote "No".—

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 HB 2326**.

Mr. Vice President: The amendment on **S Sub HB 2326** does four damaging things: it ends fact-finding in the bargaining process; it sunsets all current contract provisions on their next expiration date; it bans the negotiation of salary provisions beyond "minimum salaries" and it prohibits districts and unions from negotiating due process provisions in their contracts. Only days ago the Kansas Senate, on a 40-0 vote, supported the agreement among KNEA, KSSA, KASB and USA/Kansas on improvements to the Professional Negotiations Act. It finally brought some positive relief and hope for a collaborating future for the Kansas Legislature and Kansas educators. What will help Kansas teachers improve the quality of their instruction and performance of student knowledge is support and money. This bill jeopardizes the high quality of education that Kansans have come to know and expect. I vote "No" on **S Sub HB 2326**.—PAT PETTEY

Senators Francisco, Hensley and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **S Sub HB 2326**.

**HB 2336**, AN ACT concerning children and minors; relating to juvenile offenders; risk assessment tool; placement in the custody of the secretary of corrections; amending K.S.A. 2014 Supp. 38-2361, 38-2366 and 38-2369 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

#### REFERENCE OF BILLS

The Vice President referred **HB 2391** to the Committee on **Commerce**.

#### MOTION TO CONCUR

There being no objection, a motion to concur in House amendments to **SB 154** was withdrawn.

#### 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 Pilcher-Cook in the chair.

On motion of Senator Pilcher-Cook the following report was adopted:

**SB 133; HB 2055, HB 2111, HB 2256** be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Haley to amend **HB 2055** failed and the following amendment was rejected on page 1, following line 10, by inserting:

"Section 1. K.S.A. 2014 Supp. 21-6308 is hereby amended to read as follows: 21-6308. (a) Criminal discharge of a firearm is the:

(1) Reckless and unauthorized discharge of any firearm at:

(A) ~~At~~ A dwelling, building or structure in which there is a human being, regardless of whether the person discharging the firearm knows or has reason to know that there is a human being present;

(B) a motor vehicle in which there is a human being, regardless of whether the person discharging the firearm knows or has reason to know that there is a human being present; or

(C) at a motor vehicle, an aircraft, watercraft, train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock or other means of conveyance of persons, other than a motor vehicle, or property in which there is a human being, regardless of whether the person discharging the firearm knows or has reason to know that there is a human being present;

(2) reckless and unauthorized discharge of any firearm at a dwelling in which there is no human being; or

(3) discharge of any firearm:

(A) Upon any land or nonnavigable body of water of another, without having obtained permission of the owner or person in possession of such land; or

(B) upon or from any public road, public road right-of-way or railroad right-of-way except as otherwise authorized by law.

(b) Criminal discharge of a firearm as defined in:

(1) Subsection (a)(1) is a:

(A) Severity level 7, person felony except as provided in subsection (b)(1)(B) or (b)(1)(C);

(B) severity level 5, person felony if such criminal discharge results in bodily harm to a person during the commission thereof; and

(C) severity level 3, person felony if such criminal discharge results in great bodily harm to a person during the commission thereof; ~~or~~

~~(C) severity level 5, person felony if such criminal discharge results in bodily harm to a person during the commission thereof;~~

(2) subsection (a)(2) is a severity level 8, person felony; and

(3) subsection (a)(3) is a class C misdemeanor.

(c) Subsection (a)(1) shall not apply if the act is a violation of ~~subsection (d) of~~ K.S.A. 2014 Supp. 21-5412(d), and amendments thereto.

(d) Subsection (a)(3) shall not apply to any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the

national guard while in the performance of their official duty;

(4) watchmen, while actually engaged in the performance of the duties of their employment;

(5) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(6) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment;

(7) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto; or

(8) the United States attorney for the district of Kansas, the attorney general, or any district attorney or county attorney, while actually engaged in the duties of their employment or any activities incidental to such duties; any assistant United States attorney if authorized by the United States attorney for the district of Kansas and while actually engaged in the duties of their employment or any activities incidental to such duties; any assistant attorney general if authorized by the attorney general and while actually engaged in the duties of their employment or any activities incidental to such duties; or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed and while actually engaged in the duties of their employment or any activities incidental to such duties. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 2014 Supp. 75-7c19, and amendments thereto.

Sec. 2. K.S.A. 2014 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	B	C	D	E	F	G	H	I
	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	483 467 442	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 34 31	34 32 31
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	19 18 17
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 4

LEGEND
Presumptive Probation
Presumptive Jail
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. 2014 Supp. 21-5412(d), 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. 2014 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, ~~subsection (b)(3) of~~ K.S.A. 2014 Supp. 21-5414(b)(3), ~~subsections (b)(3) and (b)(4) of~~ K.S.A. 2014 Supp. 21-5823(b)(3) and (4), K.S.A. 2014 Supp. 21-6412 and K.S.A. 2014 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. 2014 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. 2014 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. 2014 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. 2014 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, ~~subsection (b)(3) of K.S.A. 2014 Supp. 21-5414(b)(3), subsections (b)(3) and (b)(4) of K.S.A. 2014 Supp. 21-5823(b)(3) and (4), K.S.A. 2014 Supp. 21-6412 and K.S.A. 2014 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. 2014 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. 2014 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. 2014 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. 2014 Supp. 21-5807(a)(1), and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2014 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(a) or (b), prior to its repeal, 21-3716, prior to its repeal, subsection ~~(a)(1) or (a)(2) of~~ K.S.A. 2014 Supp. 21-5807(a)(1) or (2), or ~~subsection (b) of~~ K.S.A. 2014 Supp. 21-5807(b), 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. 2014 Supp. 21-5913(a)(2), 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. 2014 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(b), prior to its repeal, or of criminal deprivation of property, as defined in K.S.A. 2014 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. 2014 Supp. 21-5801, and amendments thereto, or burglary as defined in ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5807(a), 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. 2014 Supp. 21-5801, and amendments thereto, or burglary as defined in ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5807(a), and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. 2014 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. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 Supp. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5807(a), 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. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 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. 2014 Supp. 21-6824(f)(1), 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. 2014 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. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 Supp. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5807(a), 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. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 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 (e)(2)~~ of K.S.A. 2014 Supp. 21-5413(c)(2), 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. 2014 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. 2014 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2014 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. 2014 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.

(v) The sentence for a third or subsequent violation of K.S.A. 8-1568, 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.

(w) (1) Except as provided in subsection (w)(2), the sentence for a violation of K.S.A. 2014 Supp. 21-6308(a)(1)(A) or (B), and amendments thereto, if the trier of fact makes a finding that the offender discharged a firearm and that the offender knew or reasonably should have known that a person was present in the dwelling, building,

structure or motor vehicle at which the offender discharged a firearm, shall be presumptive imprisonment and, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 60 months' imprisonment. Such sentence 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.

(2) The sentence for a violation of K.S.A. 2014 Supp. 21-6308(a)(1)(A) or (B), and amendments thereto, if the trier of fact makes a finding that the offender discharged a firearm and that the offender knew or reasonably should have known that a person less than 14 years of age was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm, shall be presumptive imprisonment and, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 120 months' imprisonment. Such sentence 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."

On page 4, in line 10, after "Supp." by inserting "21-6308, 21-6804 and"; also in line 33, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "to" by inserting "criminal discharge of a firearm; sentencing;"; in line 3, after "Supp." by inserting "21-6308, 21-6804 and"; in line 4, by striking "section" and inserting "sections".

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

On roll call, the vote was: Yeas 7; Nays 31; Present and Passing 1; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Pettey.

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

Present and Passing: Kelly.

Absent or Not Voting: McGinn.

The committee report on **HB 2124** recommending **S Sub HB 2124** be adopted, and the substitute bill be passed.

The committee report on **Sub HB 2170** recommending **S Sub Sub HB 2170** be adopted, and the substitute bill be passed.

The committee report on **HB 2177** recommending **S Sub HB 2177** be adopted, and the substitute bill be passed.

**Sub HB 2159** be amended by the adoption of the committee amendments, be further amended by Senator Smith, on page 1, following line 7, by inserting:

"Section 1. K.S.A. 2014 Supp. 8-241 is hereby amended to read as follows: 8-241. (a) Except as provided in K.S.A. 8-2,125 through 8-2,142, and amendments thereto, any person licensed to operate a motor vehicle in this state shall submit to an examination whenever: (1) The division of vehicles has good cause to believe that such person is incompetent or otherwise not qualified to be licensed; or (2) the division of vehicles has suspended such person's license pursuant to K.S.A. 8-1014, and amendments thereto, as the result of a test refusal, test failure or conviction for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of a city ordinance or county resolution

prohibiting the acts prohibited by K.S.A. 8-1567, and amendments thereto, except that no person shall have to submit to and successfully complete an examination more than once as the result of separate suspensions arising out of the same occurrence.

(b) When a person is required to submit to an examination pursuant to subsection (a)(1), the fee for such examination shall be in the amount provided by K.S.A. 8-240, and amendments thereto. When a person is required to submit to an examination pursuant to subsection (a)(2), the fee for such examination shall be \$25. In addition, any person required to submit to an examination pursuant to subsection (a)(2) as the result of a test failure, a conviction for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by K.S.A. 8-1567, and amendments thereto, shall be required, at the time of examination, to pay a reinstatement fee of \$200 after the first occurrence, \$400 after the second occurrence, \$600 after the third occurrence and \$800 after the fourth or subsequent occurrence; and as a result of a test refusal, a conviction for a violation of K.S.A. 2014 Supp. 8-1025, and amendments thereto, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by K.S.A. 2014 Supp. 8-1025, and amendments thereto, shall be required, at the time of examination, to pay a reinstatement fee of \$600 after the first occurrence, \$900 after the second occurrence, \$1,200 after the third occurrence and \$1,500 after the fourth or subsequent occurrence.

(1) All examination 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 80% to the state highway fund and 20% shall be disposed of as provided in K.S.A. 8-267, and amendments thereto.

(2) On and after July 1, 2014, through June 30, 2018, 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 26% to the community alcoholism and intoxication programs fund created pursuant to K.S.A. 41-1126, and amendments thereto, 12% to the juvenile detention facilities fund created by K.S.A. 79-4803, and amendments thereto, 12% to the forensic laboratory and materials fee fund created by K.S.A. 28-176, and amendments thereto, 17% to the driving under the influence fund created by K.S.A. 75-5660, and amendments thereto, and 33% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 20-1a15, 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.

(3) On and after July 1, 2018, 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.

(c) When an examination is required pursuant to subsection (a), at least five days' written notice of the examination shall be given to the licensee. The examination administered hereunder shall be at least equivalent to the examination required by ~~subsection (c) of K.S.A. 8-247(e)~~, and amendments thereto, with such additional tests as the division deems necessary. Upon the conclusion of such examination, the division shall take action as may be appropriate and may suspend or revoke the license of such person or permit the licensee to retain such license, or may issue a license subject to restrictions as permitted under K.S.A. 8-245, and amendments thereto.

(d) Refusal or neglect of the licensee to submit to an examination as required by this section shall be grounds for suspension or revocation of the license.

(e) The division may issue a driver's license with a DUI-IID designation for a licensee that is operating under ignition interlock restrictions required by K.S.A. 8-1014, and amendments thereto. The reexamination requirement in subsection (a)(2) shall not require reexamination and payment of reinstatement fees until the end of the licensee's ignition interlock restriction period. If the applicant's Kansas driver's license has been expired for one year or more, the applicant must complete a reexamination and pay any applicable reinstatement fees before qualifying for a driver's license with an ignition interlock designation. All other requirements for issuance and renewal of a driver's license under K.S.A. 8-240, and amendments thereto, shall continue to apply. The renewal periods and other requirements in K.S.A. 8-247, and amendments thereto, shall apply. The fees charged for the driver's license with ignition interlock designation shall include: (1) The fee amounts set out in K.S.A. 8-240(f), and amendments thereto; (2) fees prescribed by the secretary of revenue and required in K.S.A. 8-243(a), and amendments thereto; and (3) a \$10 fee to the DUI-IID designation fund. There is hereby created in the state treasury the DUI-IID designation fund. All moneys credited to the DUI-IID designation fund shall be used by the department of revenue only for the purpose of funding the administration and oversight of state certified ignition interlock manufacturers and their service providers."

On page 14, in line 39, after "Supp." by inserting "8-241,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; in line 2, by striking "expungement of"; also in line 2, after the semicolon, by inserting "DUI-IID designation; DUI-IID designation fund; expungement of convictions and diversions,"; in line 3, after "Supp." by inserting " 8-241," and **Sub HB 2159** be passed as further amended.

The committee report on **HB 2135** recommending **S Sub HB 2135** be adopted, be amended by motion of Senator King, on page 393, following line 27, by inserting the following:

"New Sec. 163. (a) During the fiscal year ending June 30, 2016, in addition to the other purposes for which expenditures may be made by the secretary for children and families, from moneys appropriated from the state general fund or any special revenue fund or funds for the Kansas department for children and families for fiscal year 2016 by this act or any other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the secretary for children and families from the state general fund or from any special revenue fund or funds for fiscal year 2016, for the

secretary, on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Neosho county, Kansas, subject to the provisions of this section:

The South Half of the Southeast Quarter (S/2 SE/4) of Section Nineteen (19), Township Twenty-seven (27) South, Range Eighteen (18) East of the 6th P. M., excepting therefrom five (5) tracts of land described as follows:

a. The North Ten (10) acres of the Southeast Quarter of this Southeast Quarter (SE/4 SE/4) of said section Nineteen (19);

b. Beginning at a point on Plummer Avenue, 330 feet south of the northeast corner of the South Half of the Southeast Quarter (S/2 (SE/4) of said Section Nineteen (19), thence west parallel with the north line of said eighty, 1320 feet; thence south 330 feet on a line parallel with the east line of said eighty; thence east 1320 feet on a line parallel with the north line of said eighty; thence north along said east line to the point of beginning, containing 10 acres;

c. Beginning at a point 495 feet north of the southeast corner of said Section Nineteen (19), thence north 165 feet to the southeast corner of 10-acre tract previously sold to Guy Umbarger; thence west along the south line of said Umbarger 10-acre tract, 792 feet; thence south on a line parallel to the east line, 165 feet; thence east on a line parallel to said Umbarger tract to point of beginning, containing approximately 3 acres;

d. Beginning at the southeast corner of said Section Nineteen (19), thence west along the south line of said section 690 feet; thence northerly 445 feet; thence easterly 690 feet to a point on the east line of said section, 445 feet north of the southeast corner of said section; thence south along said east line 445 feet to the point of beginning. The above includes 30 feet of road right-of-way along the south side used for Seventh Street and 30 feet of road right-of-way along the east side used for Plummer Avenue. Including the road rights-of-way, the above includes 7.05 acres, more or less; and

e. Beginning at a point 30 feet north of and 690 feet west of the southeast corner of the Southeast Quarter (SE/4) of said Section Nineteen (19); thence west along right-of-way line of present road, 1950 feet, more or less, to the west line of said Southeast Quarter (SE/4); thence north along the west line of said Southeast Quarter (SE/4), 10 feet; thence east parallel to and 10 feet north of the present right-of-way, 1950 feet, more or less, to a point 690 feet west of and 40 feet north of the southeast corner of said Southeast Quarter (SE/4); thence south 10 feet to the point of beginning, containing .44 acres, more or less, condemned for highway purposes.

(b) The real property described in subsection (a) shall be sold or conveyed to the Neosho memorial regional medical center, at the appraised value.

(c) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary for children and families without having first advised and consulted with the joint committee on state building construction.

(d) Prior to the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(e) When the sale is made, the proceeds thereof shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments

thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the appropriate account of the state general fund or special revenue fund of the Kansas department for children and families as determined by the secretary for children and families. The secretary for children and families shall transmit a copy of such determination to the director of legislative research.

(f) The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 2014 Supp. 75-6609, and amendments thereto.

(g) In the event that the secretary for children and families determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.";

And by renumbering sections accordingly.

**S Sub HB 2135** be further amended by motion by motion of Senator Denning, on page 393, following line 27, by inserting the following:

"Sec. 163. On June 30, 2016, the director of accounts and reports shall determine and notify the director of the budget, if the amount of revenue collected in the Kansas endowment for youth fund or children's initiatives fund for the fiscal year ending June 30, 2016, is insufficient to fund the appropriations and transfers that are authorized from the Kansas endowment for youth fund or children's initiatives fund for the fiscal year ending June 30, 2016, 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 Kansas endowment for youth fund and children's initiatives fund in order to fund all such appropriations and transfers that are authorized from the Kansas endowment for youth fund and children's initiatives fund for the fiscal year ending June 30, 2016. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the Kansas endowment for youth fund or children's initiatives fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the director of the budget transmits this certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 164. On June 30, 2017, the director of accounts and reports shall determine and notify the director of the budget, if the amount of revenue collected in the Kansas endowment for youth fund or children's initiatives fund for the fiscal year ending June 30, 2017, is insufficient to fund the appropriations and transfers that are authorized from the Kansas endowment for youth fund or children's initiatives fund for the fiscal year ending June 30, 2017, 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 Kansas endowment for youth fund and children's initiatives fund in order to fund all such appropriations and transfers that are authorized from the Kansas endowment for youth fund and children's initiatives fund for the fiscal year ending June 30, 2017. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the Kansas endowment for youth fund or children's initiatives fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the director of the budget transmits this

certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.";

And by renumbering sections accordingly.

**S Sub HB 2135** be further amended by motion of Senator Wolf, on page 417, after line 3, by inserting the following:

"(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 2015 or fiscal year 2016 authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 or fiscal year 2016 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to expand the student union: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purpose of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$25,000,000, plus all amounts required for the cost of bonds issuance, costs of interest on 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 for the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*, That Kansas state university shall make provisions for the maintenance of the area of the student union expansion.";

On page 420, after line 37, by inserting the following:

"(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 2015 or fiscal year 2016 authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 or fiscal year 2016 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 residence hall and dining facility: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purpose of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not

exceed \$51,200,000, plus all amounts required for the cost of bonds issuance, costs of interest on 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 for the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*; That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*; That the university of Kansas shall make provisions for the maintenance of the residence hall and dining facility.

(f) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 or fiscal year 2016 authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 or fiscal year 2016 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 remodel Corbin hall: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purpose of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*; That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*; That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$14,500,000, plus all amounts required for the cost of bonds issuance, costs of interest on 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 for the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*; That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*; That the university of Kansas shall make provisions for the maintenance of Corbin hall."

**S Sub HB 2135** be further amended by motion of Senator Powell, on page 393, following line 27, by inserting the following:

"Sec. 163. (a) On the effective date of this act, during the fiscal year ending June 30, 2015, notwithstanding the provisions of K.S.A. 82a-1802, and amendments thereto, or any other statute, of all the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, the state treasurer is hereby authorized and directed to credit the first \$2,000,000 received and deposited in the state treasury to the interstate water litigation fund of the attorney general: *Provided*, That, after such aggregate amount has been credited to the interstate water litigation fund of the attorney general, then all of the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, during fiscal year 2015 shall be credited to the

Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *Provided further*, That, notwithstanding the provisions of any statute, the director of the Kansas water office, in consultation with the local stakeholders in the basin, the chief engineer and the secretary of agriculture, shall expend such moneys in the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office for water improvement projects in the Republican river basin as described in K.S.A. 2014 Supp. 82a-1804(g), and amendments thereto.

(b) On July 1, 2015, during the fiscal year ending June 30, 2016, notwithstanding the provisions of K.S.A. 82a-1802, and amendments thereto, or any other statute, of all the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, the state treasurer is hereby authorized and directed to credit the first \$2,000,000, including any moneys credited in fiscal year 2015, received and deposited in the state treasury to the interstate water litigation fund of the attorney general: *Provided*, That, after such aggregate amount has been credited to the interstate water litigation fund of the attorney general, then all of the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, during fiscal year 2016 shall be credited to the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *Provided further*, That, notwithstanding the provisions of any statute, the director of the Kansas water office, in consultation with the local stakeholders in the basin, the chief engineer and the secretary of agriculture, shall expend such moneys in the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office for water improvement projects in the Republican river basin as described in K.S.A. 2014 Supp. 82a-1804(g), and amendments thereto.

(c) On July 1, 2016, during the fiscal year ending June 30, 2017, notwithstanding the provisions of K.S.A. 82a-1802, and amendments thereto, or any other statute, of all the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, the state treasurer is hereby authorized and directed to credit the first \$2,000,000, including any moneys credited in fiscal years 2015 and 2016, received and deposited in the state treasury to the interstate water litigation fund of the attorney general: *Provided*, That, after such aggregate amount has been credited to the interstate water litigation fund of the attorney general, then all of the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, during fiscal year 2017 shall be credited to the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *Provided further*, That, notwithstanding the provisions of any statute, the director of the Kansas water office, in consultation with the local stakeholders in the basin, the chief engineer and the secretary of agriculture, shall expend such moneys in the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office for water improvement projects in the Republican river basin as described in K.S.A. 2014 Supp. 82a-1804(g), and amendments thereto.";

And by renumbering sections accordingly.

**S Sub HB 2135** be further amended by motion of Senator Kelly, on page 206, in line 14, after the last comma by inserting "families together and", and **S Sub HB 2135** be passed as amended.

A motion by Senator Schmidt to amend **S Sub for HB 2135** failed and the following amendment was rejected on: page 285, in line 30, by striking all after "2016"; by striking all in lines 31 through 40; in line 41, by striking all before the period.

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

On roll call, the vote was: Yeas 15; Nays 23; Present and Passing 2; Absent or Not Voting 0.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, Longbine, McGinn, Ostmeyer, Pettey, Schmidt.

Nays: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Present and Passing: LaTurner, Wolf.

A motion by Senator Holland to amend **S Sub for HB 2135** failed and the following amendment was rejected: on page 29, in line 2, before the period by inserting: "*And provided further*, That, during the fiscal year ending June 30, 2016, notwithstanding the provisions of K.S.A. 46-137a, 46-137b and 46-137e, and amendments thereto, or any other statute, no expenditures shall be made from this account for compensation or subsistence allowance for legislators for any service on any calendar day of the regular session of the 2016 legislature, if such service on such regular session day is held after the 60<sup>th</sup> day of the 2016 regular session of the legislature.";

On page 33, in line 10, before the period by inserting: "*And provided further*, That, during the fiscal year ending June 30, 2017, notwithstanding the provisions of K.S.A. 46-137a, 46-137b and 46-137e, and amendments thereto, or any other statute, no expenditures shall be made from this account for compensation or subsistence allowance for legislators for any service on any calendar day of the regular session of the 2017 legislature, if such service on such regular session day is held after the 90<sup>th</sup> day of the 2017 regular session of the legislature."

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

On roll call, the vote was: Yeas 11; Nays 29; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Melcher, Pettey, Powell, Schmidt.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

A motion by Senator Pyle to amend **S Sub for HB 2135** failed and the following amendment was rejected: on page 393, following line 27, by inserting the following:

"Sec. 163. (a) During the fiscal years ending on June 30, 2016, and June 30, 2017, notwithstanding the provisions of this or any other appropriation act of the 2015 or 2016 legislative session, or any statute, no state agency named in this or any other appropriation act of the 2015 or 2016 legislative session shall expend any moneys from the state general fund or any special revenue fund or funds for official hospitality.

(b) As used in this section, "state agency" means each state agency named in this or other appropriation act of the 2015 regular session of the legislature, except that "state agency" shall not include the state fair board.";

And by renumbering sections accordingly.

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

On roll call, the vote was: Yeas 8; Nays 30; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Knox, Melcher, Olson, Pilcher-Cook, Powell, Pyle, Tyson.

Nays: Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, O'Donnell, Ostmeyer, Petersen, Pettey, Schmidt, Smith, Wagle, Wilborn, Wolf.

Absent or Not Voting: Holmes, McGinn.

Senator Francisco made a motion to amend **S Sub HB 2135**.

A ruling of the chair was requested as to the germaneness of the amendment. The chair ruled the amendment was germane to the bill and the following amendment was rejected: on page 29, in line 17, after the colon, by inserting the following:

*"Provided, however;* That no moneys shall be expended from this account until legislation which reinstates the following provisions of executive order 07-24, including a diversity management program, a program prohibiting discrimination and harassment on account of race, color, gender, sexual orientation, gender identity, religion, national origin, ancestry, age, military or veteran status or disability status, and a program of awareness regarding legal protections for persons with disabilities, is passed by the legislature during the 2015 or 2016 regular session and enacted into law: *And provided further;* That on the date such legislation is signed into law by the governor, the \$3,000,000 appropriated for the above agency for the fiscal year ending June 30, 2016, by this section from the state general fund may be expended: *And provided further;* That if such legislation is not passed by the legislature during the 2016 regular session and enacted into law, then on June 30, 2016, the \$3,000,000 appropriated for the above agency for the fiscal year ending June 30, 2016, by this section from the state general fund is hereby lapsed."

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, Arpke, Baumgardner, 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, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

A motion by Senator Kelly to amend **S Sub HB 2135** was withdrawn.

Motions by Senator Francisco and Senator Longbine to amend **S Sub HB 2135** failed.

The committee report on **HB 2155** recommending **S Sub HB 2155** be adopted, be amended by motion of Senator Holland, on page 17, in line 28, before "The" by inserting "(a)"; following line 33, by inserting:

"(b) The administrator shall prepare an annual report on the operation of charitable raffles in this state. The report shall contain any recommended changes to the law to enhance the enforcement of the act. The annual report shall be submitted to the house and senate committees on federal and state affairs. The report shall be submitted on or before January 15 of each year beginning in 2016 and ending with the report due on or before January 15, 2018."

**S Sub HB 2155** be further amended by motion of Senator Ostmeyer, on page 18, in line 15, by striking "or"; in line 17, after the semicolon by inserting "or

(9) a fantasy sports league as defined in this section;";

On page 19, following line 5, by inserting:

"(d) "fantasy sports league" means any fantasy or simulation sports game or contest in which no fantasy or simulation sports team is based on the current membership of an actual team that is a member of an amateur or professional sports organization and that meets the following conditions:

(1) All prizes and awards offered to winning participants are established and made known to the participants in advance of the game or contest and their value is not determined by the number of participants or the amount of any fees paid by those participants;

(2) all winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individual athletes in multiple real-world sporting events; and

(3) no winning outcome is based:

(A) On the score, point spread or any performance or performances of any single real-world team or any combination of such teams; or

(B) solely on any single performance of an individual athlete in any single real-world sporting event.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 1, in the title, in line 2, after "lottery;" by inserting "dealing with fantasy sports;" and **S Sub HB 2155** be passed as amended.

**S Sub HB 2258** be passed over and retain a place on the calendar.

#### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Longbine the Senate nonconcurrred in the House amendments to **SB 101** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Bowers and Hawk as a conference committee on the part of the Senate.

On motion of Senator Powell the Senate nonconcurrred in the House amendments to **H Sub SB 36** and requested a conference committee be appointed.

The Vice President appointed Senators Powell, Kerschen and Francisco as a conference committee on the part of the Senate.

On motion of Senator Powell the Senate nonconcurrred in the House amendments to **SB 156** and requested a conference committee be appointed.

The Vice President appointed Senators Powell, 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 **SB 189** 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 Lynn the Senate nonconcurrred in the House amendments to **SB 154** 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.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 133**; **HB 2055**, **HB 2111**; **S Sub HB 2124**, **S Sub HB 2135**, **S Sub HB 2155**; **Sub HB 2159**; **S Sub Sub HB 2170**; **S Sub HB 2177** and **HB 2256** were advanced to Final Action and roll call.

**SB 133**, AN ACT concerning children and minors; relating to possession or consumption of alcoholic beverages; immunity from liability for minor seeking medical assistance; amending K.S.A. 2014 Supp. 41-727 and repealing the existing section.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Arpke, Baumgardner, Knox, Masterson, Tyson.

Absent or Not Voting: McGinn.

The bill passed, as amended.

**HB 2055**, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal history; aggravated battery, driving under the influence; out-of-state misdemeanors; amending K.S.A. 2014 Supp. 21-6811 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, 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, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: McGinn.

The bill passed, as amended.

**HB 2111**, AN ACT concerning the code of civil procedure; relating to items allowable as costs; amending K.S.A. 2014 Supp. 60-2003 and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, 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, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Pyle.

Absent or Not Voting: McGinn.

The bill passed, as amended.

**S Sub for HB 2124**, AN ACT concerning the uniform commercial code; relating to the exclusion of consumer transactions governed by federal law; secured transactions; amending K.S.A. 84-4a-108 and K.S.A. 2014 Supp. 84-9-408, 84-9-803, 84-9-805 and 84-9-807 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, 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, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: McGinn.

The substitute bill passed.

**S Sub HB 2135**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2015, June 30, 2016, June 30, 2017, June 30, 2018, and June 30, 2019, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2014 Supp. 2-223, 12-5256, 55-193, 68-2320, 74-50,107, 74-8963, 74-99b34, 75-6702, 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; also repealing K.S.A. 2014 Supp. 74-99b34a.

On roll call, the vote was: Yeas 26; Nays 13; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Smith, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Knox, Pettey, Pilcher-Cook, Pyle, Schmidt, Tyson.

Absent or Not Voting: McGinn.

The substitute bill passed, as amended.

**HB 2155**, AN ACT concerning gaming; dealing with charitable gaming; establishing the Kansas charitable gaming act; dealing with the Kansas lottery; amending K.S.A. 74-8704 and 74-8718 and K.S.A. 2014 Supp. 21-6403, 74-8702 and 79-3603 and repealing the existing sections; also repealing K.S.A. 79-4702 and 79-4715 and K.S.A. 2014 Supp. 79-4701, 79-4701a, 79-4703, 79-4704, 79-4705, 79-4705a, 79-4706, 79-4707, 79-4708, 79-4710, 79-4711, 79-4712a, 79-4713, 79-4716, 79-4717, 79-4718 and 79-4719.

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

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

Present and Passing: Wagle.

Absent or Not Voting: McGinn.

The bill passed, as amended.

**Sub HB 2159**, AN ACT concerning driving; relating to driving under the influence and other driving offenses; DUI-IID designation; DUI-IID designation fund; expungement of convictions and diversions; amending K.S.A. 2014 Supp. 8-241, 12-

4516 and 21-6614 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 12-4516b and 21-6614e.

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

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

Absent or Not Voting: McGinn.

The substitute bill passed, as amended.

**S Sub Sub HB 2170**, AN ACT concerning schools; creating the freedom from unsafe restraint and seclusion act.

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

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

Nays: Wagle.

Absent or Not Voting: McGinn.

The substitute bill passed.

**S Sub HB 2177**, AN ACT concerning water; relating to water conservation areas.

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

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

Absent or Not Voting: McGinn.

The substitute bill passed.

**HB 2256**, AN ACT concerning the commercial real estate broker lien act; relating to conditions, recording and notice of lien; amending K.S.A. 58-30a03, 58-30a07 and 58-30a09 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, 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, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: McGinn.

The bill passed, as amended.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator Ostmeyer moved the Senate concur in House amendments to **SB 45**.

**SB 45**, AN ACT concerning firearms; relating to the carrying of concealed firearms; relating to the personal and family protection act; amending K.S.A. 2014 Supp. 21-5914, 21-6301, 21-6302, 21-6308, 21-6309, 32-1002, 75-7c01, 75-7c03, 75-7c04, 75-7c05, 75-7c10, 75-7c17, 75-7c20 and 75-7c21 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 75-7c19.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Pettey, Schmidt, Wolf.

Absent or Not Voting: McGinn.

The Senate concurred.

**EXPLANATION OF VOTE**

Mr. Vice President: I vote "No" on the motion to concur on **SB 45**. As I explained previously in my vote against this bill, I support the current conceal carry law. I have also been contacted by people who have taken the effort to complete the training and get the license for conceal carry and they oppose this bill. They believe it goes too far. For these reasons, I vote "No."—ANTHONY HENSLEY

Senator Lynn moved the Senate concur in House amendments to **SB 108**.

**SB 108**, AN ACT concerning real estate brokers and salespersons; relating to license fees; licensure; technical amendments; amending K.S.A. 58-30,106 and K.S.A. 2014 Supp. 58-3046a, 58-3050, 58-3062, 58-3063 and 58-30,103 and repealing the existing sections.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, 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, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Pyle, Tyson.

Absent or Not Voting: McGinn.

The Senate concurred.

**MESSAGE FROM THE HOUSE**

Announcing passage of **SB 45**, as amended; **SB 52**, as amended; **SB 240**, as amended.

Announcing passage of **SB 95**, **SB 252**.

Also, passage of **SB 117**, as amended by **House Substitute for SB 117**.

Announcing the passage of **HCR 5016**.

The House accedes to the request of the Senate for a conference on **SB 124** and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 127** and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House announced the appointment of Representatives Goico, Osterman and Lane as conferees on **HB 2006**.

#### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

**HCR 5016**, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for periods during the 2015 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Bruce, **HCR 5016** was adopted by voice vote.

#### **CHANGE OF REFERENCE**

The President withdrew **S Sub HB 2096** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Ways and Means**.

#### **MESSAGE FROM THE GOVERNOR**

**H Sub SB 7; SB 13, SB 46** approved March 25, 2015.

#### **ENGROSSED BILLS**

**SB 31, SB 63, SB 64, SB 271, SB 280, SB 290** reported correctly engrossed March 24, 2015.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Monday, March 30, 2015.

# Journal of the Senate

FIFTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 30, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 38 senators present.  
Senators Love and Melcher were excused.  
Invocation by Father Don Davidson:

Almighty and all-knowing God, who knows all our needs before we ask, be with us this day, and be with those who labor in this chamber. Give them wisdom in decision-making, and compassion for those they serve that in every act they may be focused on the doing of your will for this day, and for all the days to come. We ask this prayer in your Holy and life affirming name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## **POINT OF PERSONAL PRIVILEGE**

Senator Holmes rose on a Point of Personal Privilege to introduce members of the St. John Tigers basketball team. The team is the 2015 2A Champions, making it the third year in a row they have enjoyed the title. The team has been undefeated for 59 games in a row and are only 3 games from setting a Kansas state record.

Members of the team and their managers and coaches were: Gera Calleros, Quincy Smith, Ryan Woodward, Cole Kinnamon, Braden Witt, Triston Long, Sammy Ramirez, Eddy Ibarra, Mario Ibarra, Joel Ibarra, Jeremy Crockett, Derek Hacker, Chase Fisher, Keven Neri-Leon, Dean Wade, Jacob Milton, Jorge Calleros, Alexis Valenzuela, Connor Engel, Nathan Ward, Nick Schwein, Christy Garcia, Alexis Moss, Audrey Mercer, Tara Kinnamon, Clint Kinnamon, Mike Burgan and Kurt Fairchild.

Senators honored the guests with a standing ovation.

Senator Lynn rose on a Point of Personal Privilege to introduce residents visiting the Capitol from Covenant Place Retirement Center in Lenexa.

Guests introduced included: Mary Beth Lynn, Kimberly Ponce, Marian Strouse, Olive Behmke, Janet Anderson, Merlin Anderson, Eldon Erickson, Nyona Erickson and Orris Crum.

Senators honored the guests with a standing ovation.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was introduced and read by title:

**SB 299**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; extending special provisions for retirants employed as teachers for one year; providing an account for certain members who return to work to hold retirement benefits; requiring employee and employer contributions; amending K.S.A. 2014 Supp. 74-4914 and 74-4937 and repealing the existing sections, by Committee on Assessment and Taxation.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2240**.

Commerce: **HB 2391**.

Federal and State Affairs: **SB 298**.

Natural Resources: **HB 2341**.

Utilities: **HB 2233**.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2074**, **HB 2087**, **HB 2088**, **HB 2095**, **HB 2395**.

The House nonconcur in Senate amendments to **HB 2061**, requests a conference and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2149**, requests a conference and has appointed Representatives Hawkins, Concannon and Ward as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2165**, 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 2183**, requests a conference and has appointed Representatives Kahrs, Esau and Sawyer as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub for HB 2225**, requests a conference and has appointed Representatives Hawkins, Concannon and Ward as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub for HB 2281**, requests a conference and has appointed Representatives Hawkins, Schwab and Ward as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2064**, requests a conference and has appointed Representatives Schwab, Bruchman and Houston as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2142**, requests a conference and has appointed Representatives Schwab, Bruchman and Houston as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2104**, requests a conference and has appointed Representatives Kahrs, Esau and Sawyer as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2013**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub for HB 2042**, requests a conference and has appointed Representatives Hawkins, Concannon and Ward as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub for HB 2043**, requests a conference and has appointed Representatives Hawkins, Concannon and Ward as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2048**, requests a conference and has appointed Representatives Rubin, Gonzalez and Highberger as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2051**, requests a conference and has appointed Representatives Rubin, Gonzalez and Highberger as conferees on the part of the House.

The following bills were stricken from the Calendar by House Rule 1507: **SB 28, SB 51, H Sub SB 54, SB 70, SB 72, SB 77, SB 93, SB 126, SB 142, SB 157, SB 183, H Sub SB 184, SB 214.**

The House nonconcur in Senate amendments to **S Sub for HB 2101**, requests a conference and has appointed Representatives Johnson, Thompson and Trimmer as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub for HB 2135**, requests a conference and has appointed Representatives Ryckman, Schwartz and Henry as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2216**, 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 2259**, requests a conference 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 **H Sub for SB 36** and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 52** and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 101** and has appointed Representatives Schwab, Bruchman and Houston as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub for SB 117** and has appointed Representatives Schwab, Bruchman and Houston as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 154** and has appointed Representatives Hutton, Mason and Frownfelter as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 156** and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 189** and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 240** and has appointed Representatives DeGraaf, Kelly and Frownfelter as conferees on the part of the House.

The House announced the appointment of Rep. Carmichael to replace Rep. Highberger as a conferee on **SB 113**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2074, HB 2087, HB 2088, HB 2095, HB 2395** were thereupon introduced and read by title.

#### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Powell the Senate nonconcur in the House amendments to **SB 52** and requested a conference committee be appointed.

The President appointed Senators Powell, Kerschen and Francisco as a conference committee on the part of the Senate.

On motion of Senator Longbine the Senate nonconcur in the House amendments to **SB 240** and requested a conference committee be appointed.

The President appointed Senators Longbine, Bowers and Hawk as a conference committee on the part of the Senate.

On motion of Senator Longbine the Senate nonconcur in the House amendments to **H Sub SB 117** and requested a conference committee be appointed.

The President appointed Senators Longbine, Bowers and Hawk as a conference committee on the part of the Senate.

#### **ORIGINAL MOTION**

On motion of Senator Pilcher-Cook, the Senate acceded to the request of the House for a conference on **S Sub HB 2042**.

The President appointed Senators Pilcher-Cook, O'Donnell and Kelly as conferees on the part of the Senate.

On motion of Senator Holmes, the Senate acceded to the request of the House for a conference on **HB 2183**.

The President appointed Senators Holmes, Fitzgerald and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

**ORIGINAL MOTION**

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2013**.

The Vice President appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

On motion of Senator Pilcher-Cook, the Senate acceded to the request of the House for a conference on **S Sub HB 2043**.

The Vice President appointed Senators Pilcher-Cook, O'Donnell 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 2048**.

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 2051**.

The Vice President appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **HB 2061**.

The Vice President appointed Senators Love, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **HB 2064**.

The Vice President appointed Senators Longbine, Bowers and Hawk 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 HB 2101**.

The Vice President appointed Senators King, Longbine and Hensley as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **HB 2104**.

The Vice President appointed Senators Holmes, Fitzgerald 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 **S Sub HB 2135**.

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 **HB 2142**.

The Vice President appointed Senators Longbine, Bowers and Hawk 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 2149**.

The Vice President appointed Senators Pilcher-Cook, O'Donnell and Kelly 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 2165**.

The Vice President appointed Senators Pyle, Fitzgerald 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 **HB 2216**.

The Vice President appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

On motion of Senator Pilcher-Cook, the Senate acceded to the request of the House for a conference on **S Sub HB 2225**.

The Vice President appointed Senators Pilcher-Cook, O'Donnell and Kelly as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **HB 2259**.

The Vice President appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

On motion of Senator Pilcher-Cook, the Senate acceded to the request of the House for a conference on **S Sub HB 2281**.

The Vice President appointed Senators Pilcher-Cook, O'Donnell and Kelly as conferees on the part of the Senate.

#### **REPORT ON ENROLLED BILLS**

**SB 21, SB 43, SB 47, SB 73, SB 109, SB 150** reported correctly enrolled, properly signed and presented to the Governor on March 30, 2015.

On motion of Senator Lynn, the Senate adjourned until 10:00 a.m., Tuesday, March 31, 2015.

# Journal of the Senate

FIFTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 31, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 39 senators present.  
Senator Love was excused.  
Invocation by Father Don Davidson:

Bless our children dear Lord. As we begin this season of new life, help us to see in the face of every child the awe and wonder as they watch the unfolding of your creation. Help us to be models of your grace and love, and give to them the very best that we have to give. Make us mindful of the responsibility of mentoring through our actions and help them to see in us your hope for the future. We pray 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:

Federal and State Affairs: **HB 2074, HB 2087, HB 2088.**

Senate Select Committee on KPERS: **SB 299; HB 2095.**

Ways and Means: **HB 2395.**

## CHANGE OF REFERENCE

The President withdrew **HB 2003; S Sub HB 2258** from the Calendar under the heading of **General Orders**, and referred the bills to the Committee on **Ways and Means**.

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1728—

A RESOLUTION designating March 31, 2015, as  
Congenital Diaphragmatic Hernia Awareness Day.

WHEREAS, Congenital Diaphragmatic Hernia (CDH) is a birth defect for which there is no known cause. A baby born with CDH either has a diaphragm that is missing or is partially formed. A missing or partially formed diaphragm causes abdominal organs to migrate into the chest cavity, which then causes undeveloped lungs; and

WHEREAS, Approximately one in every 2,500 newborns are affected by CDH and it affects people of all races and socioeconomic backgrounds. Only 50% of the estimated 500,000 newborns born with CDH since 2000 have survived; and

WHEREAS, Approximately 20 Kansas families are affected by CDH each year. Typically, medical costs are \$500,000 to \$1,000,000 for each baby and most NICU stays are six to 12 weeks in length. Those with CDH often endure multiple surgeries and possible medical complications beyond their diagnosis, including heart defects, pulmonary complications, gastric and intestinal problems, and developmental delays. At times those with CDH require long-term respiratory and medicinal support; and

WHEREAS, It is important to raise awareness of this congenital defect and to support those diagnosed with it and those advocating for medical research and advances: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we designate March 31, 2015, as Congenital Diaphragmatic Hernia Awareness Day, and recognize the importance of awareness and research of CDH; and

*Be it further resolved:* That the Secretary of the Senate shall send 15 enrolled copies of this resolution to Senator Schmidt.

On emergency motion of Senator Schmidt **SR 1728** was adopted by voice vote.

Guests present included: Tera Linenberger, David Linenberger and their son Noah Linenberger, Megan Skaggs and William Skaggs III.

Senators honored the guests with a standing ovation.

On motion of President Wagle, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess, with Vice President King in the chair.

#### **CHANGE OF REFERENCE**

The Vice President withdrew **HB 2003; S Sub HB 2258** from the Committee on **Ways and Means**, and rereferred to the calendar under the heading of **General Orders**.

#### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 228** 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.

STEVEN JOHNSON

KENT THOMPSON

ED TRIMMER

*Conferees on part of House*

JEFF KING

JEFF LONGBINE

ANTHONY HENSLEY

*Conferees on part of Senate*

On motion of Senator Bruce the Senate adopted the conference committee report on **SB 228**, and requested a new conference be appointed.

The Vice President appointed Senators King, Longbine and Hensley as a second Conference Committee on the part of the Senate on **SB 228**.

#### **CHANGE OF CONFERENCE**

The Vice President announced the appointment of Senator Francisco as a member of the Conference Committee on **HB 2149** to replace Senator Kelly.

The Vice President announced the appointment of Senator Francisco as a member of the Conference Committee on **S Sub HB 2225** to replace Senator Kelly.

#### **ORIGINAL MOTION**

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2055**.

The Vice President appointed Senators Smith, Knox and Pettey 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 2106**.

The Vice President appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2111**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2124**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2155**.

The Vice President appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **Sub HB 2159**.

The Vice 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 Sub HB 2170**.

The Vice President appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2256**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

**REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **SB 48** be passed.

Committee on **Commerce** recommends **HB 2391**, as amended by House Committee of the Whole, be passed.

Committee on **Federal and State Affairs** recommends **HB 2223**, as amended by House Committee, be amended on page 1, in line 12, before "Section" by inserting "New";

On page 2, following line 14, by inserting:

"Sec. 2. K.S.A. 41-106 is hereby amended to read as follows: 41-106. (a) Any citation issued by an agent of the division of alcoholic beverage control for a violation of the liquor control act or the club and drinking establishment act shall be delivered to the person allegedly committing the violation licensee or a person in charge of the licensed premises at the time of the alleged violation. A copy of such citation also shall be delivered by United States mail to the licensee within 30 days of the alleged violation. If such citation and copy are not so delivered, the citation shall be void and unenforceable.

(b) Any duly authorized law enforcement officer who observes a violation of the liquor control act or the club and drinking establishment act may, after serving notice to the licensee or a person in charge of the licensed premises, submit a report of such violation to the division of alcoholic beverage control for review. Upon receipt of such report, the director shall review the report and determine if administrative action will be taken against the licensee. If the director determines that administrative action will be taken, an administrative citation and notice of administrative action shall be delivered by United States mail to the licensee within 30 days of the date of the alleged violation.

(c) The notice required to be served to the licensee or a person in charge of the licensed premises at the time of the alleged violation pursuant to subsection (b) shall be in writing and shall contain the following:

- (1) The name of the licensee;
- (2) the date and time of the alleged violation;
- (3) a description of the alleged violation; and
- (4) a statement that a report of the alleged violation will be submitted to the

division of alcoholic beverage control for review.

(d) Any citations not issued in accordance with the provisions of this section shall be void and unenforceable.

(e) For purposes of this section, the term "person in charge" means any individual or employee present on the licensed premises at the time of the alleged violation who is responsible for the operation of the licensed premises. If no designated individual or employee is a person in charge, then any employee present is the person in charge.

New Sec. 3. (a) No form of powdered alcohol shall be sold or offered for sale by any person licensed under the Kansas liquor control act.

(b) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 4. K.S.A. 2014 Supp. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic liquor" means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

(c) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

(d) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(e) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(f) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(g) "Director" means the director of alcoholic beverage control of the department of revenue.

(h) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

(i) "Domestic beer" means beer which contains not more than 10% alcohol by weight and which is manufactured in this state.

(j) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

(k) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

(l) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(m) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

(n) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

(o) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

(p) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer.

(q) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

(r) "Minor" means any person under 21 years of age.

(s) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

(t) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled

by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

(u) "Person" means any natural person, corporation, partnership, trust or association.

(v) "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

~~(w)~~(w) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

~~(w)~~(x) (1) "Retailer" means a person who sells at retail, or offers for sale at retail, alcoholic liquors.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

~~(x)~~(y) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

~~(y)~~(z) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

~~(z)~~(aa) "Secretary" means the secretary of revenue.

~~(aa)~~(bb) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

~~(bb)~~(cc) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

~~(cc)~~(dd) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

~~(dd)~~(ee) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

~~(ee)~~(ff) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

~~(ff)~~(gg) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(gg)~~(hh) "Wine" means any alcoholic beverage obtained by the normal alcoholic

fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies.

Sec. 5. K.S.A. 2014 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;

(5) sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or

~~(5)-(6)~~ advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through ~~(4)~~ (5).

(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;

(6) sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or

~~(6)-(7)~~ advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (b)(1) through ~~(5)~~ (6).

(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;

(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) 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.

(f) Violation of any provision of this section is a misdemeanor punishable as provided by K.S.A. 41-2633, and amendments thereto.

(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.

Sec. 6. K.S.A. 2014 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 is not a citizen of the United States;
- (2) who has been convicted of a felony under the laws of this state, any other state or the United States;
- (3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;
- (4) who has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;
- (5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;
- (6) who is not at least 21 years of age;
- (7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not, at the time of application, have a written lease thereon;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license;

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act; ~~or~~

(14) who does not provide any data or information required by K.S.A. 2014 Supp. 41-311b, and amendments thereto; or

(15) who, after a hearing before the director, has been found to have held an undisclosed beneficial interest in any license issued pursuant to the liquor control act which was obtained by means of fraud or any false statement made on the application for such license.

(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. 2014 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10<sup>th</sup>, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

- (1) Has been convicted of a felony under the laws of this state, any other state or the United States;
- (2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;
- (3) has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;
- (4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or
- (5) is less than 21 years of age.

Sec. 7. K.S.A. 2014 Supp. 41-2623 is hereby amended to read as follows: 41-2623.

(a) No license shall be issued under the provisions of this act to:

(1) Any person described in ~~subsection (a)(1), (2), (4), (5), (6), (7), (8), (9), (12) or (13)~~ of K.S.A. 41-311(a)(1), (2), (4), (5), (6), (7), (8), (9), (12), (13) or (15), and amendments thereto, except that the provisions of subsection (a)(7) of such section shall not apply to nor prohibit the issuance of a license for a class A club to an officer of a post home of a congressionally chartered service or fraternal organization, or a benevolent association or society thereof.

(2) A person who has had the person's license revoked for cause under the provisions of this act.

(3) A person who has not been a resident of this state for a period of at least one year immediately preceding the date of application.

(4) A person who has a beneficial interest in the manufacture, preparation or wholesaling or the retail sale of alcoholic liquors or a beneficial interest in any other club, drinking establishment or caterer licensed hereunder, except that:

(A) A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other clubs or drinking establishments licensed hereunder if such other clubs or establishments are located in hotels.

(B) A license for a club or drinking establishment which is a restaurant may be issued to a person who has a beneficial interest in other clubs or drinking establishments which are restaurants.

(C) A caterer's license may be issued to a person who has a beneficial interest in a club or drinking establishment and a license for a club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.

(D) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the liquor control act if such distributor or retailer sells no alcoholic liquor to such club.

(E) Any person who has a beneficial interest in a microbrewery, microdistillery or farm winery licensed pursuant to the Kansas liquor control act may be issued any or all of the following: (1) Class B club license; (2) drinking establishment license; and (3) caterer's license.

(5) A copartnership, unless all of the copartners are qualified to obtain a license.

(6) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements.

(7) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation which:

(A) Has had a license revoked under the provisions of the club and drinking establishment act; or

(B) has been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(8) A corporation organized under the laws of any state other than this state.

(9) 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)~~ of K.S.A. 41-311(a)(6), and amendments thereto, shall not apply in determining whether a

beneficiary would be eligible for a license.

(b) No club or drinking establishment license shall be issued under the provisions of the club and drinking establishment act to:

(1) A person who does not own the premises for which a license is sought, or does not, at the time the application is submitted, have a written lease thereon, except that an applicant seeking a license for a premises which is owned by a city or county, or is a stadium, arena, convention center, theater, museum, amphitheater or other similar premises may submit an executed agreement to provide alcoholic beverage services at the premises listed in the application in lieu of a lease.

(2) A person who is not a resident of the county in which the premises sought to be licensed are located.

New Sec. 8. (a) Notwithstanding any other provision of law, any limited liability company applying for a retailer's license under the Kansas liquor control act shall be required to meet the qualifications for licensure of a copartnership under K.S.A. 41-311, and amendments thereto. Any limited liability company applying for a license other than a retailer's license shall be required to meet the qualifications for licensure of a corporation under K.S.A. 41-311 and K.S.A. 2014 Supp. 41-311b, and amendments thereto.

(b) Any limited liability company applying for a license under the Kansas liquor control act shall submit a copy of its articles of organization and operating agreement to the director in such form and manner as prescribed by the director.

(c) This section shall be a part of and supplemental to the Kansas liquor control act.

New Sec. 9. (a) Notwithstanding any other provision of law, any limited liability company applying for a license under the club and drinking establishment act shall be required to meet the qualifications for licensure of a corporation under K.S.A. 41-2623, and amendments thereto.

(b) Any limited liability company applying for a license under the club and drinking establishment act shall submit a copy of its articles of organization and operating agreement to the director in such form and manner as prescribed by the director.

(c) This section shall be a part of and supplemental to the club and drinking establishment act.

New Sec. 10. (a) Notwithstanding any other provision of law, any limited liability company applying for a license under the Kansas cereal malt beverage act shall be required to meet the qualifications for licensure of a corporation under K.S.A. 41-2703, and amendments thereto, except that only those individuals owning in the aggregate 25% or more of the ownership interest in such limited liability company shall be required to meet the qualifications for an individual to obtain a license.

(b) Any limited liability company applying for a license under the Kansas cereal malt beverage act shall submit a copy of its articles of organization and operating agreement to the director in such form and manner as prescribed by the director.

(c) This section shall be a part of and supplemental to the Kansas cereal malt beverage act.

New Sec. 11. (a) The director may suspend, involuntarily cancel or revoke any license issued pursuant to the Kansas liquor control act if, after notice and an opportunity for a hearing, the director determines that the licensee has:

(1) Fraudulently obtained the license by providing false information on the

application therefor, or at any hearing thereon;

(2) violated any of the provisions of the Kansas liquor control act, or any rules or regulations adopted pursuant to such act; or

(3) become ineligible to obtain a license or permit under K.S.A. 41-311 or K.S.A. 2014 Supp. 41-311b, and amendments thereto.

(b) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 12. K.S.A. 2014 Supp. 41-319 is hereby amended to read as follows: 41-319.

(a) Except as provided by subsection (b), within 30 days after an application is filed for a retailer's, microbrewery, microdistillery or farm winery license and within 20 days after an application is filed for a manufacturer's, distributor's or nonbeverage user's license, the director shall enter an order either ~~refusing~~ denying or granting the license. If the director does not enter an order within the time prescribed, the license applied for shall be deemed to have been ~~refused~~ denied. The director, with the written consent of the applicant for a license, may delay entering an order on an application for an additional period of not to exceed 30 days.

(b) In order to complete any national criminal history record check of an applicant who submitted any application after January 31, 2001, and if the applicant is not a resident of the state of Kansas on the date of submission of such application or has not been a resident for at least one year immediately preceding the date of submission of such application the director shall enter an order either ~~refusing~~ denying or granting the license within 90 days after such application is filed. If the director does not enter an order within the time prescribed, the license applied for shall be deemed to have been ~~refused~~ denied. The director, with the written consent of the applicant for a license, may delay entering an order on an application for an additional period of not to exceed 30 days.

Sec. 13. K.S.A. 2014 Supp. 41-320 is hereby amended to read as follows: 41-320.

(a) ~~All proceedings for the suspension and revocation of licenses of manufacturers, distributors, retailers, microbreweries, microdistilleries, farm wineries and nonbeverage users shall be before the director, and the proceedings shall be in accordance with the provisions of the Kansas administrative procedure act. Except as provided in subsection (b), no license shall be suspended or revoked except after a hearing by the director. The provisions of the Kansas administrative procedure act shall apply to all proceedings involving the following:~~

(1) Denial of an application for any license to be issued pursuant to the Kansas liquor control act;

(2) suspension of any license issued pursuant to the Kansas liquor control act;

(3) involuntary cancellation of any license issued pursuant to the Kansas liquor control act;

(4) revocation of any license issued pursuant to the Kansas liquor control act; and

(5) assessment of any civil fine pursuant to K.S.A. 41-328, and amendments thereto.

(b) Except as provided in subsection (c), no license shall be suspended, involuntarily canceled or revoked unless there is an opportunity for a hearing before the director.

(c) When proceedings for the suspension, involuntary cancellation or revocation of a distributor's license are filed and the distributor has been issued more than one license for distributing places of business in this state, any order of the director suspending or

revoking the license at any one place of business shall suspend or revoke all licenses issued to the distributor. When one person is the holder of stock or an ownership interest in two or more corporations licensed as distributors under the provisions of this act, any order of the director suspending or revoking the license of any such corporation shall operate as a suspension or revocation of the license of all corporations licensed as distributors in which the person is a stockholder.

(d) Notwithstanding any provision of the law to the contrary, the secretary may designate the director to be the presiding officer in any proceeding conducted pursuant to this section.

Sec. 14. K.S.A. 41-321 is hereby amended to read as follows: 41-321. (a) Whenever the director ~~refuses~~ denies an application for any license or suspends, involuntarily cancels or revokes any license, the director shall prepare an order so providing which shall be signed by the director, or a person designated by the director, and the seal of the director shall be affixed thereto. The order shall state the reason or reasons for the ~~refusal~~ denial, suspension, involuntary cancellation or revocation. The order shall be served in accordance with the provisions of K.S.A. 77-531, and amendments thereto.

(b) Any applicant or licensee aggrieved by any order of the director may appeal from such order to the secretary by filing a notice of appeal with the secretary. Such notice of appeal must either be mailed to the secretary by certified mail or filed with the secretary within 15 days after service of the order appealed from or, if such appeal is taken because the director has failed to enter the order on an application for a license, within 15 days after the date an application for a license is considered to have been ~~refused~~ denied as provided in K.S.A. 41-319, and amendments thereto. The notice of appeal shall be on a form which shall be prescribed and furnished by the secretary. Whenever any such notice of appeal is filed, the secretary shall notify, in writing, the director of such appeal. ~~The secretary at least 10 days before the time fixed for the hearing shall notify the director and the applicant or licensee of the time when, and place where, the appeal will be heard. The hearing shall be conducted by the secretary, or by a person designated by the secretary, in accordance with the provisions of the Kansas administrative procedure act and shall be held within 30 days after the date of the filing of the notice of appeal unless the person appealing consents to a later hearing.~~

~~The secretary shall adopt, pursuant to K.S.A. 41-210, and amendments thereto, such rules and regulations as necessary to govern the procedure in such hearings. At any such hearing the applicant or licensee and the director may be present in person or by agent or counsel. The secretary or person conducting the hearing shall have the power to adjourn any hearing, but no such adjournment shall be for more than five days unless consented to by the person appealing. Review of a director's order by the secretary shall be conducted in accordance with the provisions of the Kansas administrative procedure act.~~

Sec. 15. K.S.A. 2014 Supp. 41-326 is hereby amended to read as follows: 41-326. (a) A license shall be purely a personal privilege, valid for not to exceed two years after issuance, except as otherwise provided by law, unless sooner suspended, involuntarily canceled or revoked, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. A license shall not descend by the laws of testate or intestate devolution but shall cease and expire

upon the death of the licensee except that executors, administrators or representatives of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale, distribution or manufacture of alcoholic liquor under order of the appropriate court and may exercise the privilege of the deceased, insolvent or bankrupt licensee after the death of such decedent, or after such insolvency or bankruptcy, until the expiration of such license but not longer than one year after the death, bankruptcy or insolvency of such licensee.

(b) When the licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee. The secretary of revenue may adopt rules and regulations pursuant to K.S.A. 41-210, and amendments thereto, which provide for the authorization of refunds of one-half of the license fee paid when the licensee does not use such license for the entire second year of the license term as a result of the cancellation of the license upon the request of the licensee for voluntary reasons.

Sec. 16. K.S.A. 2014 Supp. 41-328 is hereby amended to read as follows: 41-328. (a) In addition to or in lieu of any other civil or criminal penalty provided by law, the director, upon a finding that a licensee under the Kansas liquor control act has violated any provision thereof, may impose on such licensee a civil fine not exceeding \$1,000 for each violation.

(b) No fine shall be imposed pursuant to this section except upon the written order of the director to the licensee who committed the violation. Such order shall state the violation, the fine to be imposed and the right of the licensee to appeal the order. Such order shall be subject to appeal and review in the manner provided by K.S.A. 41-321, 41-322 and 41-323, and amendments thereto, accordance with the provisions of the Kansas administrative procedure act and K.S.A. 41-321, and amendments thereto.

(c) Any fine imposed 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. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 17. K.S.A. 2014 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. 2014 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(e), 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)-(9)~~ 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)-(10)~~ 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)-(11)~~ 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. 18. K.S.A. 41-2609 is hereby amended to read as follows: 41-2609. ~~The~~

~~provisions of K.S.A. 41-320, 41-321, 41-322, 41-323 and 41-324, and amendments thereto, relating to proceedings for the suspension or revocation of licenses issued under the Kansas liquor control act, appeals from orders of the director refusing, suspending or revoking such licenses and judicial review of decisions on such appeals and duties of county attorneys relating to such review shall apply in the same manner to proceedings for the suspension or revocation of licenses issued under this act, appeals from orders of the director refusing, suspending or revoking licenses issued under this act, orders refusing temporary permits, appeals from orders of the director and judicial review of decisions on such appeals.~~ (a) The provisions of the Kansas administrative procedure act shall apply to all proceedings involving the following:

(1) Denial of an application for any license to be issued pursuant to the club and drinking establishment act;

(2) suspension of any license issued pursuant to the club and drinking establishment act;

(3) involuntary cancellation of any license issued pursuant to the club and drinking establishment act;

(4) revocation of any license issued pursuant to the club and drinking establishment act; and

(5) assessment of any civil fine pursuant to K.S.A. 41-2633a, and amendments thereto.

(b) No license shall be suspended, involuntarily canceled or revoked except after an opportunity for a hearing before the director.

Sec. 19. K.S.A. 2014 Supp. 41-2611 is hereby amended to read as follows: 41-2611. The director may ~~revoke or suspend~~, involuntarily cancel or revoke any license issued pursuant to the club and drinking establishment act for any one or more of the following reasons:

(a) The licensee has fraudulently obtained the license by giving false information in the application therefor or any hearing thereon.

(b) The licensee has violated any of the provisions of this act or any rules or regulations adopted hereunder.

(c) The licensee has become ineligible to obtain a license or permit under this act.

(d) The licensee's manager or employee has been intoxicated while on duty.

(e) The licensee, or its manager or employee, has permitted any disorderly person to remain on premises where alcoholic liquor is sold by such licensee.

(f) There has been a violation of a provision of the laws of this state, or of the United States, pertaining to the sale of intoxicating or alcoholic liquors or cereal malt beverages, or any crime involving a morals charge, on premises where alcoholic liquor is sold by such licensee.

(g) The licensee, or its managing officers or any employee, has purchased and displayed, on premises where alcoholic liquor is sold by such licensee, a federal wagering occupational stamp issued by the United States treasury department.

(h) The licensee, or its managing officers or any employee, has purchased and displayed, on premises where alcoholic liquor is sold by such licensee, a federal coin operated gambling device stamp for the premises issued by the United States treasury department.

(i) The licensee holds a license as a class B club, drinking establishment or caterer and has been found guilty of a violation of article 10 of chapter 44 of the Kansas

Statutes Annotated, and amendments thereto, under a decision or order of the Kansas human rights commission which has become final or such licensee has been found guilty of a violation of K.S.A. 21-4003, prior to its repeal, or K.S.A. 2014 Supp. 21-6102, and amendments thereto.

(j) There has been a violation of K.S.A. 21-4106 or 21-4107, prior to their repeal, or K.S.A. 2014 Supp. 21-6204, and amendments thereto, on premises where alcoholic liquor is sold by such licensee.

Sec. 20. K.S.A. 41-2633a is hereby amended to read as follows: 41-2633a. (a) In addition to or in lieu of any other civil or criminal penalty provided by law, the director, upon a finding that a licensee or temporary permit holder under the club and drinking establishment act has violated any provision thereof, may impose on such licensee or temporary permit holder a civil fine not exceeding \$1,000 for each violation.

(b) No fine shall be imposed pursuant to this section except upon the written order of the director to the licensee or temporary permit holder who committed the violation. Such order shall state the violation, the fine to be imposed and the right of the licensee or temporary permit holder to appeal the order. Such order shall be subject to appeal and review in the manner provided by K.S.A. 41-321, 41-322 and 41-323, and amendments thereto accordance with the provisions of the Kansas administrative procedure act.

(c) Any fine imposed pursuant to this section shall be paid to the state treasurer, who shall deposit the same in the state treasury and credit it to the state general fund.

Sec. 21. K.S.A. 2014 Supp. 41-306 is hereby amended to read as follows: 41-306. A spirits distributor's license, shall allow:

(a) The wholesale purchase, importation and storage of spirits, but all such spirits so purchased or imported which are manufactured in the United States shall be purchased from the primary American source of supply or from another licensed spirits distributor, except that a licensed spirits distributor may purchase confiscated spirits at a sheriff's sale.

(b) The sale of spirits to:

- (1) Spirits distributors licensed in this state;
- (2) retailers licensed in this state, except that such distributor shall sell a brand of spirits only to those retailers whose licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and
- (3) such persons located outside such territory or outside this state as permitted by law.

(c) The purchase of spirits in barrels, casks or other bulk containers and the bottling thereof before resale, but all bottles or containers filled with such spirits shall be sealed, labeled and otherwise made to comply with all laws and rules and regulations governing the preparation and bottling of spirits by manufacturers and with all federal rules, regulations and laws.

(d) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other

distributor and approved by the director.

(e) The storage and delivery to a public venue licensed under the club and drinking establishment act of alcoholic liquor purchased by the public venue licensee from a retailer authorized by law to sell such alcoholic liquor to such public venue licensee.

(f) The withdrawal of spirits from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, provided no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of spirits shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes of providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees, the term "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto.

Sec. 22. K.S.A. 2014 Supp. 41-306a is hereby amended to read as follows: 41-306a. A wine distributor's license shall allow:

(a) The wholesale purchase, importation and storage of wine, but all wine so purchased or imported which is manufactured in the United States shall be purchased from the primary American source of supply or from another licensed wine distributor, except that a licensed wine distributor may purchase confiscated wine at a sheriff's sale.

(b) The sale of wine to:

(1) Wine distributors licensed in this state;

(2) retailers licensed in this state, except that such distributor shall sell a brand of wine only to those retailers whose licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by law.

(c) The sale of wine, but only in barrels, casks and other bulk containers, to:

(1) Licensed caterers; and

(2) public venues, clubs and drinking establishments licensed in this state, except that such distributor shall sell a brand of wine only to such public venues, clubs and drinking establishments the licensed premises of which are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto.

(d) The purchase of wine in barrels, casks or other bulk containers and the bottling thereof before resale, but all bottles or containers filled with such wine shall be sealed, labeled and otherwise made to comply with all laws and rules and regulations governing the preparation and bottling of wine by manufacturers and with all federal rules, regulations and laws.

(e) The storage and delivery to a retailer licensed under the Kansas liquor control

act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(f) The withdrawal of wine from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees, or to persons licensed under the club and drinking establishment act, and such person's employees. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, provided no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Samples may be served on the premises of a licensee holding a license issued under the club and drinking establishment act, provided no sample shall be served on that portion of the premises that is open to the public and where sales of alcoholic liquor are made. No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of wine shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes of providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees, the term "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto.

~~(f)~~ (g) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 23. K.S.A. 2014 Supp. 41-307 is hereby amended to read as follows: 41-307. A beer distributor's license shall allow:

- (a) The wholesale purchase, importation and storage of beer.
- (b) The sale of beer to:
  - (1) Licensed caterers;
  - (2) beer distributors licensed in this state;
  - (3) retailers, public venues, clubs and drinking establishments, licensed in this state, except that such distributor shall sell a brand of beer only to those retailers, public venues, clubs and drinking establishments of which the licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and
  - (4) such persons located outside such territory or outside this state as permitted by law.
- (c) The sale of cereal malt beverage to:
  - (1) Beer distributors licensed in this state;
  - (2) clubs and drinking establishments, licensed in this state, and retailers licensed under K.S.A. 41-2702, and amendments thereto, except that such distributor shall sell a brand of cereal malt beverage only to those such clubs, drinking establishments and retailers of which the licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by law.

(d) The purchase of cereal malt beverage in kegs or other bulk containers and the bottling or canning thereof in accordance with law.

(e) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(f) The storage and delivery, with proper invoicing in accordance with rules and regulations adopted by the secretary, on the premises of a public venue licensee, of beer sold to or available for purchase by the public venue during an event.

(g) The withdrawal of beer or cereal malt beverage from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees, or to persons licensed under the club and drinking establishment act, and such person's employees. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, provided no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Samples may be served on the premises of a licensee holding a license issued under the club and drinking establishment act, provided no sample shall be served on that portion of the premises that is open to the public and where sales of alcoholic liquor are made. No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of beer or cereal malt beverage shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes of providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees, the term "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto.

Sec. 24. K.S.A. 41-709 is hereby amended to read as follows: 41-709. (a) No manufacturer or distributor shall sell or deliver any package containing alcoholic liquor manufactured or distributed by such manufacturer or distributor for resale, unless the person to whom such package is sold or delivered is authorized to receive such package in accordance with the provisions of this act.

~~(b) Notwithstanding any other provision of the Kansas liquor control act, a distributor may withdraw from the distributor's inventory alcoholic liquor or cereal malt beverage for use as samples in the course of the business of the distributor or at industry seminars. The withdrawal of such alcoholic liquor or cereal malt beverage shall be in accordance with rules and regulations adopted by the secretary in accordance with K.S.A. 41-210, and amendments thereto, and shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price.~~

~~(c) The director shall revoke the license of any manufacturer or distributor who violates the provisions of this section.~~

Sec. 25. K.S.A. 41-106, 41-314, 41-321, 41-709, 41-2609 and 41-2633a and K.S.A.

2014 Supp. 41-102, 41-306, 41-306a, 41-307, 41-311, 41-319, 41-320, 41-326, 41-328, 41-719, 41-2611, 41-2623 and 41-2640 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "liquor" and inserting "beverages; amending K.S.A. 41-106, 41-321, 41-709, 41-2609 and 41-2633a and K.S.A. 2014 Supp. 41-102, 41-306, 41-306a, 41-307, 41-311, 41-319, 41-320, 41-326, 41-328, 41-719, 41-2611, 41-2623 and 41-2640 and repealing the existing sections; also repealing K.S.A. 41-314"; and the bill be passed as amended.

#### **REPORT ON ENROLLED BILLS**

**SB 8, SB 45, SB 76, SB 95, SB 108, SB 120, SB 252** reported correctly enrolled, properly signed and presented to the Governor on March 31, 2015.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, April 1, 2015.

# Journal of the Senate

FIFTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, April 1, 2015, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

Today dear Lord, our thoughts seem to go in two directions. For many Christians, we continue the walk toward Calvary with the destination of Easter. Today is also a day devoted to silliness and the oxymoron of practical joking. Help us Creator God, to not forget the serious nature of this Holy Week and yet remember that you want us to be happy and enjoy the fellowship we have with each other. One is a gift for the moment, the other the gift of eternal life. With your grace, may we experience both. Amen

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

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Faust-Goudeau and O'Donnell introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1729—

A RESOLUTION congratulating and commending Mayor Carl Brewer for his outstanding leadership and record of service to the city of Wichita.

WHEREAS, Mayor Carl Brewer is a native of Wichita, Kansas and has served the community as a member of the Wichita City Council, representing District 1 from 2001 to 2007. Carl won his first term as mayor in 2007, becoming the first African-American elected mayor for the City of Wichita, and was re-elected in 2011 to a second four-year term; and

WHEREAS, Mayor Brewer graduated from Wichita North High School in 1975 and attended Friends University. Carl was a Boeing/Spirit Operations Manager, Cessna Manufacturing Engineer and Kansas Army National Guard Captain; and

WHEREAS, In his final State of the City address, Mayor Brewer highlighted the recent revitalization of downtown Wichita, expressed his support for a more diversified economy, noted the willingness of city public safety officials to listen to the concerns of citizens and warned of the significant financial challenges that Wichita will soon need to face in the area of infrastructure: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Mayor Carl Brewer for his outstanding leadership and record of service to the city of Wichita; and

*Be it further resolved:* That the Secretary of the Senate shall send enrolled copies of this resolution to Mayor Carl Brewer, Governor Sam Brownback, Senator Faust-Goudeau and Senator O'Donnell.

On emergency motion of Senator O'Donnell **SR 1729** was adopted by voice vote.

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

SENATE RESOLUTION No. 1730—

A RESOLUTION recognizing the misuse and abuse of prescription drug medications as a major threat to public health and safety in Kansas and nationwide and designating April 25, 2015, as Kansas Drug Take-Back Day.

WHEREAS, Drug abuse in the United States increasingly means the misuse and abuse of prescription drug medications. Drug overdose is now the second most common cause of accidental death in the nation; 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 deaths from drug overdose 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 ninth National Prescription Drug Take-Back Day on September 27, 2014, turned in more than 617,150 pounds, or 309 tons, of prescription drugs at 5,495 sites operated by the DEA and 4,076 state, local and tribal law enforcement partners. In Kansas, 7,452 pounds of unused prescription drugs were collected. In the last four years, the biannual initiative has collected a combined total of 4.8 million pounds of unneeded medications; 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 Pettey **SR 1730** was adopted by voice vote.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub HB 2135** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

TY MASTERSON

JIM DENNING

LAURA KELLY

*Conferees on part of Senate*

RON RYCKMAN, JR.

SHARON SCHWARTZ

JERRY HENRY

*Conferees on part of House*

On motion of Senator Bruce the Senate adopted the conference committee report on **S Sub HB 2135**, and requested a new conference be appointed.

The Vice President appointed Senators Masterson, Denning and Kelly as a second Conference Committee on the part of the Senate on **S Sub HB 2135**.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2149** 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.

MARY PILCHER-COOK

MICHAEL O'DONNELL

LAURA KELLY

*Conferees on part of Senate*

DANIEL HAWKINS

SUSAN CONCANNON

*Conferees on part of House*

On motion of Senator Pilcher-Cook the Senate adopted the conference committee report on **HB 2149**, and requested a new conference be appointed.

The Vice President appointed Senators Pilcher-Cook, O'Donnell and Kelly as a second Conference Committee on the part of the Senate on **HB 2149**.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub HB 2042** 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.

MARY PILCHER COOK

MICHAEL O'DONNELL

LAURA KELLY

*Conferees on part of Senate*

DANIEL HAWKINS

SUSAN CONCANNON

*Conferees on part of House*

On motion of Senator Pilcher-Cook the Senate adopted the conference committee report on **S Sub HB 2042**, and requested a new conference be appointed.

The Vice President appointed Senators Pilcher-Cook, O'Donnell and Kelly as a second Conference Committee on the part of the Senate on **S Sub HB 2042**.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2104** 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.

MITCH HOLMES

STEVE FITZGERALD

OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

MARK KAHRIS

KEITH ESAU

TOM SAWYER

*Conferees on part of House*

On motion of Senator Bruce the Senate adopted the conference committee report on **HB 2104**, and requested a new conference be appointed.

The Vice President appointed Senators Holmes, Fitzgerald and Faust-Goudeau as a second Conference Committee on the part of the Senate on **HB 2104**.

**ORIGINAL MOTION**

On motion of Senator Powell, the Senate acceded to the request of the House for a conference on **S Sub HB 2177**.

The Vice President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

Senator Bruce moved the Senate recess until 2:00 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 2104**, and has appointed Representatives Kahrs, Esau and Sawyer as Second conferees on the part of the House.

The House announced the appointment of Representatives Brunk, Couture-Lovelady and Tietze to replace Representatives Goico, Osterman and Lane as conferees on **HB 2155**.

The House nonconcurrs in Senate amendments to **S Sub HB 2177**, requests a conference and has appointed Representative Schwartz, Boldra and Victors as conferees on the part of the House.

The House concurs in Senate amendments to **HB 2216**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2259**, and requests return of the bill.

The House adopts the Conference Committee report on **SB 127**.

The House adopts the Conference Committee report on **SB 228**.

#### 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 Arpke in the chair.

On motion of Senator Arpke the following report was adopted:

**SB 274** be amended by motion of Senator Holland, on page 3, following line 9, by inserting:

"Sec. 5. K.S.A. 32-1139 is hereby amended to read as follows: 32-1139. (a) On and after January 1, 2001:

(1) No person born on or after January 1, 1989, shall operate on public waters of this state any motorboat or sailboat unless the person possesses a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person as provided by this act.

(2) No owner or person in possession of any motorboat or sailboat shall permit another person, who is subject to the requirements in subsection (a)(1), to operate such motorboat or sailboat unless such other person either: (A) Has been lawfully issued a certificate of completion of an approved boater safety education course of instruction as provided by this act; or (B) is legally exempt from the requirements of subsection (a) (1).

(3) The requirement in subsection (a)(1), shall not apply to a person 21 years of age or older.

(4) The requirement in subsection (a)(1) shall not apply to a person operating a sailboat that does not have a motor and has an overall length of 16 feet, seven inches or less, while enrolled in an instructor-led class.

(b) The requirement in subsection (a)(1) shall not apply to a person operating a motorboat or sailboat accompanied by and under the direct and audible supervision of a person over 17 years of age who either: (1) Possesses a certificate of completion of an approved boater safety education course; or (2) is legally exempt from the requirements

of subsection (a)(1).

(c) No person who is charged with a violation of subsection (a)(1) shall be convicted of the violation if such person produces in court or in the office of the arresting officer a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person and valid at the time of such person's arrest.";

Also on page 3, in line 10, before "K.S.A" by inserting "K.S.A. 32-1139 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "motor vehicles" and inserting "education"; in line 2, after "fund," by inserting "boating safety education courses, exceptions therefrom, certain sailboats;"; also in line 2, after "amending" by inserting "K.S.A. 32-1139 and" and **SB 274** be passed as amended.

A motion by Senator Haley to amend **SB 274** was withdrawn.

The committee report on **HB 2258** recommending **S Sub HB 2258** be adopted, be amended by motion of Senator O'Donnell, on page 1, in the title, in line 2, after "assistance" by inserting a semicolon.

**S Sub HB 2258** be further amended by motion of Senator Tyson, on page 13, in line 38, by striking all before the second comma and inserting "\$25".

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

On roll call, the vote was: Yeas 23; Nays 14; Present and Passing 0; Absent or Not Voting 3.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Ostmeyer, Pilcher-Cook, Powell, Pyle, Tyson, Wagle, Wilborn.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Schmidt, Wolf.

Absent or Not Voting: Olson, Petersen, Smith.

The motion was adopted.

**S Sub HB 2258** be further amended by motion of Senator Schmidt, on page 12, in line 41, after "benefits" by inserting "or food assistance".

**S Sub HB 2258** be further amended by motion of Senator Pettey, on page 10, in line 34, before the period by inserting "in one parent households where the youngest child is six years of age or older. Participation hours shall be 55 hours in two parent households (35 hours per week if child care is not used). The maximum assignment is 40 hours per week per individual. For two parent families to meet the federal work participation rate both parents must participate in a combined total of 55 hours per week, 50 hours of which must be in primary components, or one or both parents could be assigned a combined total of 35 hours per week (30 hours of which must be primary components) if department for children and families paid child care is not received by the family. Single parent families with a child under age six meet the federal participation requirement if the parent is engaged in work or work activities for at least 20 hours per week in a primary work component".

**S Sub HB 2258** be further amended by motion of Senator Tyson, on page 9, in line 17, after the period by inserting "On and after January 1, 2017, the department shall conduct an electronic check for any false information provided on an application for TANF and other benefits programs administered by the department." and **S Sub HB 2258** be passed as further amended.

A motion by Senator Hensley to amend **S Sub HB 2258** failed and the following amendment was rejected on page 1, by striking all in lines 11 through 36;

By striking all on pages 2 through 37;

On page 38, by striking all in lines 1 through 3 and inserting:

"Section 1. The governor's social services policy council shall direct and implement a study regarding the department for children and families programs and policies for temporary assistance to needy families, food assistance and other benefit programs provided by the department for children and families for which federal moneys are expended. The study shall consider the potential positive and negative impacts and consequences on Kansas children and families of the policies of the department for children and families and whether such policies should be enacted into law in the manner proposed by 2015 House Bill No. 2381, as introduced. The study shall also investigate whether the programs and policies of the department for children and families at issue in or as set forth in 2015 House Bill No. 2381, as introduced, further the goal of reducing child poverty and child hunger in Kansas and shall make recommendations regarding achievement of that goal. Accordingly, the study shall include, but not be limited to, department policies regarding eligibility for benefits, length of benefits, requirements for receiving benefits including work program or other requirements and exceptions thereto, policies pertaining to the manner and amount in which benefits are provided and statutory limitations on seeking or implementing federal waivers, programs or eligibility options. The study shall be conducted with resources available to the governor's social services policy council or otherwise provided by the governor and all expenses and costs of the study shall be paid for by the governor, the governor's social services policy council or the department for children and families without requesting additional funding for the study. The study shall be completed by January 1, 2016, with a report on the study's results and recommendations derived therefrom to be presented to the legislature and made available to all legislators on or before January 15, 2016.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to a study by the governor's social services policy council;"; in line 2, by striking all after "assistance"; by striking lines 3 through 7; in line 8, by striking all before the period.

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

On roll call, the vote was: Yeas 10; Nays 26; Present and Passing 0; Absent or Not Voting 4.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Donovan, Lynn, Petersen, Smith.

The motion failed.

A motion by Senator Kelly to amend **S Sub HB 2258** failed and the following amendment was rejected on page 15, by striking all in lines 7 through 16;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly.

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

On roll call, the vote was: Yeas 10; Nays 25; Present and Passing 1; Absent or Not Voting 4.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt.

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

Present and Passing: Baumgardner.

Absent or Not Voting: Bowers, Longbine, Masterson, Wolf.

The motion failed.

A motion by Senator Haley to amend **S Sub HB 2258** failed and the following amendment was rejected on page 12, in line 31, after "shall" by inserting "not"; in line 35, by striking "and" and inserting "but not"; in line 41, by striking "No" and inserting "Any"; in line 42, after "household" by inserting "who was not convicted of fraud or the crime of theft pursuant to K.S.A. 79-420 and K.S.A. 2014 Supp. 21-5801, and amendments thereto,".

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, Arpke, Baumgardner, 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, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The motion failed.

A motion by Senator Haley to amend **S Sub HB 2258** failed and the following amendment was rejected on page 12, in line 35, by striking "for their"; in line 36, by striking "lifetime"; also in line 36, after "TANF," by inserting "if confined, for 60 months after the date of parole, discharge or release, whichever date is most recent, if not confined, for 60 months from date of conviction";

On page 13, in line 4, by striking all after the period; in line 5, by striking all before "been" and inserting "If an individual has"; in line 7, after "analog" by inserting ", such individual shall be disqualified from receiving food assistance, if confined, for 60 months after the date of parole, discharge or release, whichever date is most recent, or, if not confined, for 60 months from the date of conviction".

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

On roll call, the vote was: Yeas 7; Nays 32; Present and Passing 0; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey.

Nays: Abrams, Arpke, Baumgardner, 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, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Hensley.

The motion failed.

Motions by Senators Faust-Goudeau, Francisco, Haley, Hensley, Kelly and Petty to amend **S Sub HB 2258** failed.

A motion by Senator Tyson to amend **S Sub HB 2258** was withdrawn.

**HB 2003** be amended by the adoption of the committee amendments.

In accordance with Senate Rule 27, Senator LaTurner motioned to divide the question as follows:

Part One adopts subsection (h) and all related provisions.

Part Two adopts the remainder of the bill.

Upon the showing of five hands a roll call vote was requested on Part 1.

On roll call, the vote was: Yeas 20; Nays 16; Present and Passing 3; Absent or Not Voting 1.

Yeas: Abrams, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Knox, Love, Lynn, Masterson, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson.

Nays: Arpke, Bowers, Francisco, Haley, Hawk, Kerschen, King, LaTurner, Longbine, McGinn, O'Donnell, Pettey, Schmidt, Wagle, Wilborn, Wolf.

Present and Passing: Faust-Goudeau, Holland, Kelly.

Absent or Not Voting: Hensley.

Part One was adopted.

Senator La Turner withdrew his motion to divide the question.

**HB 2003** be passed as further amended.

**HB 2154** be amended by the adoption of the committee amendments, be further amended by motion of Senator Ostmeyer, on page 7, in line 31, by striking "(8)" and inserting "(7)".

**HB 2154** be further amended by motion of Senator Francisco on page 5, in line 22, by striking all after "(2)"; by striking all in lines 23 through 33; in line 34, by striking "(3)" and **HB 2154** be passed as further amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2240**, as amended by House Committee, be passed.

Committee on **Federal and State Affairs** recommends **HB 2097**, as amended by House Committee of the Whole, be passed.

Also, **HB 2331**, as amended by House Committee of the Whole, be amended on page 1, by striking all in lines 9 through 34;

By striking all on page 2;

On page 3, by striking all in lines 1 through 5;

On page 4, by striking all in line 7; in line 10, after "thereto" by inserting "; or

(6) on private property where possession and consumption of alcoholic liquor is allowed pursuant to the issuance of a valid art studio permit";

On page 7, in line 3, before "A" by inserting "Except as otherwise provided herein,"; in line 12, after the period by inserting "Notification shall not be required for weddings, funerals, events sponsored by religious institutions, or for business, industry or trade sponsored meetings, including, but not limited to, awards presentations and retirement celebrations.";

On page 9, in line 19, after "(2)" by inserting "On and after July 1, 2016,"; also in

line 19, after "a" by inserting "sufficient number of"; also in line 19, by striking "permit" and inserting "permits as required by the state fair board"; in line 21, by striking "or beer, or both,"; in line 25, after "purpose" by inserting "subject to the conditions imposed by the state board"; in line 27, after "fairgrounds" by inserting "consistent with the requirements of the state board";

On page 10, following line 3, by inserting:

"Sec. 5. K.S.A. 2014 Supp. 41-351 is hereby amended to read as follows: 41-351.

(a) Notwithstanding any other provisions of the Kansas liquor control act, the club and drinking establishment act or the Kansas cereal malt beverage act, any person who is licensed to sell wine pursuant to K.S.A. 41-308a, and amendments thereto, may apply to the director for an annual ~~bona fide~~ farmers' market sales permit. Such permit shall authorize the licensee, a member of the licensee's family or an employee of the licensee to sell wine in the original unopened container produced and bottled by the licensee at a ~~bona fide farmers' market located at a site approved by the director~~ markets.

(b) An application submitted pursuant to this section shall be accompanied by an application fee of \$25. Permits issued under this section shall be valid for one year from the date of issuance. A licensee shall not hold more than one bona fide farmers' market sales permit at any one time.

(c) The licensee may only sell wine at a single bona fide farmers' market on one day of the week. The location locations of the bona fide farmers' market markets at which wine shall be sold shall be specified in the application submitted to the director. If the licensee elects to sell wine at a farmers' market, the location of which was not reported to the director in the application, such licensee shall notify the director of the location before any wine may be sold at that location. The director shall notify the city, county and applicable law enforcement agency where the bona fide farmers' market is markets are to be held and of the issuance of a permit under this section for the sale of wine at such bona fide farmers' market markets.

(d) For the purposes of this section, "~~bona fide~~ farmers' market" means any ~~location held out to be a farmers' market that is subject to inspection by the department of agriculture~~ common facility or area where producers or growers gather on a regular, recurring basis to sell fruits, vegetables, meats and other farm products directly to consumers.

(e) The secretary may adopt rules and regulations as necessary to implement the provisions of this section.

(f) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 6. K.S.A. 2014 Supp. 41-350 is hereby amended to read as follows: 41-350.

(a) For the purposes of this act, the term "winery" means any maker or producer of wine whether in this state or in any other state, who holds a valid federal basic wine manufacturing permit. The terms "director" and "secretary" have the meaning ascribed to these terms in K.S.A. 41-102, and amendments thereto.

(b) Any winery may be authorized to make direct shipments of wine to consumers in this state upon obtaining a special order shipping license from the secretary pursuant to this act.

(1) A special order shipping license shall only be issued to a winery upon compliance with all applicable provisions of this act and the regulations promulgated pursuant to this act, and upon payment of a license fee in the amount of \$100. The license term for a special order shipping license shall commence on the date the license

is issued by the director and shall end two years after that date.

(2) A special order shipping license shall entitle the winery to ship wine upon order directly to consumers for personal or household use in this state. The purchaser shall pay the purchase price and all shipping costs directly to the permit holder. Enforcement taxes collected herein shall be paid solely on the purchase price and not on the shipping costs.

(c) No holder of a special order shipping license shall be permitted to ship in excess of 12 standard cases of wine of one brand or a combination of brands into this state to any one consumer or address per calendar year.

(d) (1) Before accepting an order from a consumer in this state, the holder of a special order shipping license shall require that the person placing the order to state affirmatively that he or she is 21 years of age or older and shall verify the age of such person placing the order either by the physical examination of an approved government issued form of identification or by utilizing an internet based age and identification service approved by the director of alcoholic beverage control, or the director's designee.

(2) Every shipment of wine by the holder of a special order shipping license shall be clearly marked 'Alcoholic Beverages, Adult Signature Required' and the carrier delivering such shipment shall be responsible for obtaining the signature of an adult who is at least 21 years of age as a condition of delivery.

(3) Notwithstanding the definition set forth in K.S.A. 41-102, and amendments thereto, of "to sell," a winery holding a special order shipping license may market its wines and receive orders through any means of communication, including, but not limited to, the internet, written correspondence, telephonically or through orders transmitted from registered agents hosting private, in state, wine tastings in accordance with the trade practice regulations promulgated by the secretary. A licensee shall provide electronic notification to the director at least 48 hours prior to any event at which the licensee will host a wine tasting.

(e) A special order shipping license shall not authorize the shipment of any wine to any premises licensed to sell alcoholic beverages pursuant to this act or the club and drinking establishment act.

(f) The failure to comply strictly with the requirements of this act and rules and regulations promulgated pursuant to this act shall be grounds for the revocation of a special order shipping license or other disciplinary action by the director. After notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a shipping permit upon a finding that the permit holder has failed to comply with any provision of this section or K.S.A. 41-501 et seq., and amendments thereto, or any rules and regulations adopted pursuant to such statutes. Upon revocation of a special order shipping license for shipment of wine to a person not of legal age as required herein such winery shall not be issued any special order shipping license pursuant to this act for a period of one year from the date of revocation.

(g) The holder of a special order shipping license shall collect all gallonage taxes imposed by K.S.A. 41-501 et seq., and amendments thereto, shall remit such taxes annually in a manner prescribed by the secretary and shall accompany such remittance with such reports, documentation and other information as may be required by the secretary. In addition, an applicant for and a holder of a special order shipping license,

as a condition of receiving and holding a valid license, shall:

(1) Collect and pay the applicable Kansas enforcement tax on each sale shipped to a consumer in Kansas imposed by K.S.A. 79-4101 et seq., and amendments thereto;

(2) accompany each remittance with such sales tax reports, documentation and other information as may be required by the director of taxation; and

(3) if the holder of the license is an out-of-state shipper, the licensee shall be deemed to have appointed the secretary of state as the resident agent and representative of the licensee to accept service of process from the secretary of revenue, the director and the courts of this state concerning enforcement of this section, K.S.A. 41-501 et seq., and amendments thereto, and any related laws and rules and regulations and to accept service of any notice or order provided for in the liquor control act.

(h) The secretary of revenue may adopt rules and regulations to implement, administer and enforce the provisions of this section.

(i) This section shall be part of and supplemental to the Kansas liquor control act.

New Sec. 7. (a) Any business engaged in the practice of teaching or allowing its patrons to produce artwork may apply to the director for an annual art studio permit.

(b) An art studio permit shall authorize the possession and consumption of alcoholic liquor on private property owned or leased by the permit holder. Such alcoholic liquor shall be in the personal possession of the patrons of the permit holder's business, and shall not be sold, offered for sale or given away by the permit holder.

(c) Any alcoholic liquor not consumed by a patron shall be disposed of by the permit holder or, prior to its removal from the property, securely resealed and placed in a tamper-proof, transparent bag which is sealed in a manner that makes it visibly apparent if the bag is subsequently opened.

(d) Permits issued under this section shall be valid for one year from the date of issuance.

(e) The annual fee for an art studio permit shall be \$25.

(f) For the purposes of this section:

(1) "Artwork" means tangible products paid for and created by a patron of a business, including, but not limited to, painting, drawing, sculpting or jewelry-making; and

(2) "patron" means a customer participating in a program offered by the permit holder involving the production of artwork.

(g) The secretary may adopt rules and regulations as necessary to implement the provisions of this section.

(h) This section shall be part of and supplemental to the club and drinking establishment act.;

Also on page 10, in line 4, by striking "41-104," and inserting "41-350, 41-351,";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in line 3; in line 4, by striking all before "amending"; in line 5, by striking "41-104," and inserting "41-350, 41-351,"; and the bill be passed as amended.

## CHANGE OF CONFERENCE

Vice President King announced the appointment of Senator Pettey as a member of the Conference Committee on **HB 2170** to replace Senator Hensley.

**MESSAGE FROM THE GOVERNOR**

**SB 21, SB 47, SB 73, SB 109, SB 150** approved April 1, 2015.

**REPORT ON ENROLLED BILLS**

**SR 1728** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 1, 2015.

On motion of Senator Bruce, the Senate adjourned until 2:00 p.m., Thursday, April 2, 2015.

# Journal of the Senate

FIFTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, April 2, 2015, 9:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

Dear Lord, Today is set aside for many Christians around the world as Holy or Maundy-Thursdays, a day remembering your mandate to love our neighbor as we love ourselves. The Great Commandment demands that each person focus their efforts on caring and kindness toward all your precious children. May we, in all we do, love one another as you continue to love us. In your name we pray. 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 guests in the Capitol celebrating Kansas Literacy Day. Guests introduced included Prisca Barnes, Sandra Barnes, Mary Barnes, Evelyn Williams, Dr. Mildred Edwards, Linda Baldtrip, Jean Pouncil-Burton, Jesse Barnes and Carly Cooper.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 300**, AN ACT concerning education; relating to the financing and instruction thereof; amending K.S.A. 2014 Supp. 72-1046b, as amended by section 29 of 2015 House Substitute for Senate Bill No. 7, 72-3715, as amended by section 36 of 2015 House Substitute for Senate Bill No. 7, 72-6434, as amended by section 38 of 2015 House Substitute for Senate Bill No. 7, 72-8814, as amended by section 63 of 2015 House Substitute for Senate Bill No. 7 and 75-2319, as amended by section 72 of 2015 House Substitute for Senate Bill No. 7 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 72-6434, as amended by section 3 of this act, and 72-8814, as amended by section 4 of this act, by Committee on Ways and Means.

## COMMUNICATIONS FROM STATE OFFICERS

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES  
March 24, 2015

Secretary Kari M. Bruffett submitted the Transitional and Conditional Release of Persons Committed to the Sexual Predator Treatment Program Annual Report.

## KANSAS DEPARTMENT OF REVENUE

April 1, 2015

Secretary of Revenue Nick Jordan submitted the Kansas Enterprise Zone Act Annual Report.

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

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report to agree to disagree on **S Sub HB 2042**, and has appointed Representatives Hawkins, Concannon and Ward as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **S Sub HB 2135**, and has appointed Representatives Ryckman, Schwartz and Henry as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **S Sub HB 2149**, and has appointed Representatives Hawkins, Concannon and Ward as second conferees on the part of the House.

The House adopts the Conference Committee report on **H Sub SB 117**.

The House adopts the Conference Committee report to agree to disagree on **SB 154**, and has appointed Representatives Hutton, Mason and Frownfelter as second conferees on the part of the House.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 274**, AN ACT relating to education; concerning the use of safety belts; establishing the seat belt safety fund; boating safety education courses, exceptions therefrom, certain sailboats; amending K.S.A. 32-1139 and K.S.A. 2014 Supp. 8-2504, 12-4120 and 74-7336 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 2; Present and Passing 5; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Schmidt, Smith, Wilborn, Wolf.

Nays: Haley, Pilcher-Cook.

Present and Passing: Faust-Goudeau, Knox, Pyle, Tyson, Wagle.

The bill passed, as amended.

**EXPLANATION OF VOTE**

Madam President: Regrettably, I Vote "No" on **SB 274**: raising the fee for seat belt violations. I know that seat belts save lives. I voted for the primary seat belt law and its \$10 fine and I would do it again today even though we do not know from where, proportionately or, more unsettling, DISPROPORTIONATELY, those primary violations for not wearing a seat-belt are issued. Succinctly, many younger and/or minority communities across Kansas (and America, for that matter) may bear the brunt of the pre-textual stops (i.e.; "What seems to be the trouble, Officer? Why was I pulled

over?” “Seemed like you weren’t wearing a seat belt to me.”) by law enforcement and, accordingly, be paying the overwhelming share of the estimated \$750,000 in fines that seat belt infractions ALONE with the passage of **SB 274** “raise” ANNUALLY. Madam President, when data collection shows that there is no selective enforcement of our laws disproportionately in “certain” communities or on “certain” demographics of our society, I will return to support for higher fines or stiffer penalties. Coincidentally, the State of Missouri (post, Ferguson) found that law enforcement HAS used traffic fines disproportionately in certain communities and is now outlawing, in a bi-partisan agreement, the same. Seat belts do save lives. I support and enforce their use in the most informal of settings. But the guise of promoting public safety in order to pick the pockets of an underfunded community, which is potentially all that **SB 274** represents, does not have my support today.—DAVID HALEY

**HB 2003**, AN ACT concerning cities; relating to annexation; amending K.S.A. 12-520c and K.S.A. 2014 Supp. 12-520 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 11; Present and Passing 5; Absent or Not Voting 0.

Yeas: Abrams, Bruce, Denning, Donovan, Fitzgerald, Haley, Hensley, Holmes, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Tyson, Wagle.

Nays: Arpke, Baumgardner, Bowers, Hawk, Kerschen, Longbine, McGinn, Schmidt, Smith, Wilborn, Wolf.

Present and Passing: Faust-Goudeau, Francisco, Holland, Kelly, Pettey.

The bill passed, as amended.

**HB 2154**, AN ACT concerning military matters; amending K.S.A. 48-517 and K.S.A. 2014 Supp. 76-729 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**S Sub HB 2258**, AN ACT concerning social welfare; Kansas department for children and families; eligibility requirements for assistance; amending K.S.A. 17-2263, 17-5828, 39-709b, 59-1301 and 59-3504 and K.S.A. 2014 Supp. 9-1215, 9-1216, 16-311, 17-2264, 17-5829, 39-702, 39-709, 39-709c, 39-753, 39-756a, 59-2222, 59-2247, 59-2801 and 59-3086 and repealing the existing sections; also repealing K.S.A. 39-7,101, 39-7,106, 39-7,107, 39-7,110 and 75-5364 and K.S.A. 2014 Supp. 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,108, 39-7,109 and 39-7,122, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Madam President: I stand today with a heavy heart. We kind of look at those receiving food assistance as lazy, stay-at-home citizens, but to the contrary, if you check with Secretary Gilmore's DCF, you will find that the majority of their clients actually work. And this is what we call your working poor, those who are too rich to be poor and too poor to be rich. And with our welfare-to-work programs, most of the eligibility requirements are that you work while receiving food benefits. Generally, the head of households are mothers, and they feed their children. My uncle used to say that we need to help the needy, not the greedy. And there are some bad apples that take advantage of the system. But we shouldn't punish everyone. We should not kick people when they are down. And limiting the withdrawal from the ATM to \$25 when most ATMs only allow withdrawals in \$20 increments, that's just wrong, and I believe that **S Sub HB 2258** is wrong. Today at Senator Hensley's mother's funeral, one of her granddaughters quoted that "we need to bend down and help another up."—OLETHA FAUST-GOUDEAU

Senators Hawk and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Faust-Goudeau on **S Sub HB 2258**.

Madam President: It is not necessary to put policies of the Department of Children and Families regarding food assistance and temporary assistance to needy families into our statutes; unfortunately many of these policies reduce the assistance from what had been provided in the past. However if we do put these policies into statute, we should do so thoughtfully. It is NOT thoughtful to set a \$25 daily limit on cash withdrawn from an ATM when many machines only dispense 20-dollar bills and have fees that may be 10% or more of the amount withdrawn. We are adding confusion in using the same definition for "family group" and "household" and in also referring to a family unit. We may have limited the usefulness of the requirement to name a protective payee when it is required, not of individuals, but of households – can a household have been convicted of the crime of theft? I think the lifetime ban on other adults in a household should be reconsidered and the secretary should have discretion to expand the limits on food assistance and also to allow broad-based categorical eligibility. Most importantly, as we add requirements to work, we should be working to add, not eliminate, jobs. I vote "No" on **S Sub HB 2258**.—MARCI FRANCISCO

Senators Hawk, Hensley, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **S Sub HB 2258**.

Madam President: It's no surprise I vote "No" on **S Sub HB 2258**. (I actually listened to Father Don's prayer just a second ago.) Ironically, the passage of this measure; purely designed to make greater difficulties in the application for and the receipt of temporary aid for needy (or "poor") Kansas families, and shortening the number of months these same families receive this assistance, falls during what many of the Christian faith call "Holy Week." Leading up to this Sunday, Easter Sunday, many who sit in the Christian church of their choice may reflect on the teachings of Christ, which, at least in all that I

have heard and read states, without equivocation, that we should “love our neighbors, as ourselves”; that we should “do unto others as we would have them do unto you”; that we should show mercy and compassion for the poor, the weak, those less fortunate in general because there, but for the GRACE of God, go you. And God is not mocked. The hypocrisy of this action, especially this week, is galling. By voting “No” on **S Sub HB 2258**, we reject the mean-spiritedness of legislative intent gone horribly awry. But in so doing, Madam President, I have every opportunity to live out the teachings of my faith, not just by mere words but by deed. Come Sunday, the celebration of the Resurrection of Christ may find me begging forgiveness for an array of sins. But it won’t be for the sin of persecution of the poor as voting for this bill truly does.—DAVID HALEY

Senator Hawk requests the record to show he concurs with the “Explanation of Vote” offered by Senator Haley on **S Sub HB 2258**.

Madam President: “Then they themselves also will answer, ‘Lord, when did we see You hungry, or thirsty, or a stranger, or naked, or sick, or in prison, and did not take care of You?’ Then He will answer them, ‘Truly I say to you, to the extent that you did not do it to one of the least of these, you did not do it to Me.’ ” I vote “No” on **S Sub HB 2258**.—TOM HOLLAND

Senators Haley and Kelly request the record to show they concur with the “Explanation of Vote” offered by Senator Holland on **S Sub HB 2258**.

Madam President: Much to the dismay of many in this body, we have witnessed a textbook example of political theater. Those playing the leading roles in that much extended drama claim that empowering Kansans to overcome hard times and combatting poverty with employment is somehow immoral. They espouse that limiting cash assistance to its intended purpose, not luxury expenditures like concerts, day spas and sporting events is somehow “mean spirited.” I believe that ensnaring individuals in an endless cycle of poverty is truly immoral. Madam President, the policies that would be codified within **S Sub HB 2258** are intended to be anything but mean-spirited, because they have a record of success. In 2014 alone, while applying these same guidelines, our state saw over 6,000 TANF recipients find work. Kansans are seeing the number of adults on TANF decline, while the percentage of TANF recipients gaining employment increased. Isn’t this the point of having a temporary assistance program? I vote “aye” on **S Sub HB 2258** because those in difficult circumstances need a hand up, not a feckless government handout. We must not merely intend to help those who are less fortunate. We must truly help the less fortunate, and that is what **S Sub HB 2258** does.—TERRY BRUCE

Senator O'Donnell requests the record to show he concurs with the “Explanation of Vote” offered by Senator Bruce on **S Sub HB 2258**.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 154** 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.

MARK HUTTON

LES MASON

*Conferees on part of House*

JULIA LYNN

SUSAN WAGLE

*Conferees on part of Senate*

On motion of Senator Lynn the Senate adopted the conference committee report on **SB 154**, 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 154**.

Senator Bruce moved that the Senate recess until 3:30.

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The Senate met pursuant to recess with Senator Wagle in the chair.

#### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 117** submits the following report:

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

On page 2, following line 13, by inserting:

"(h) "Vehicle owner" means the owner of a personal vehicle.";

Also on page 2, by striking all in lines 21 through 25; in line 41, by striking "July 1, 2015" and inserting "January 1, 2016"; in line 42, after "driver" by inserting "or vehicle owner";

On page 3, in line 19, after "driver" by inserting "or vehicle owner"; in line 34, after "driver" by inserting "or vehicle owner"; in line 38, after "driver" by inserting "or vehicle owner";

On page 4, in line 38, after "the" by inserting "driver's or vehicle";

On page 5, in line 26, by striking "9" and inserting "8"; in line 29, by striking "9" and inserting "8"; in line 38, by striking "9" and inserting "8";

On page 6, in line 17, by striking all after "(2)"; by striking all in lines 18 through 22 and inserting "obtain a local and national criminal background check on the individual, conducted by the Kansas bureau of investigation;

(A) fingerprints submitted pursuant to this section shall be released by the attorney general to the Kansas bureau of investigation for the purpose of conducting criminal history records checks, utilizing the files and records of the Kansas bureau of investigation and the federal bureau of investigation; and

(B) each individual shall be subject to a state and national criminal history records check which conforms to applicable federal standards for the purpose of verifying the identity of the individual and whether the individual has been convicted of any crime that would disqualify the individual from being a transportation network driver under this act;"

On page 7, by striking all in lines 42 and 43;  
 On page 8, by striking all in lines 1 through 5; by striking all in lines 20 through 22;  
 in line 24, by striking "statute book" and inserting "Kansas register";  
 And by renumbering sections accordingly;  
 And your committee on conference recommends the adoption of this report.

SCOTT SCHWAB  
 ROB BRUCHMAN  
 RODERICK HOUSTON  
*Conferees on part of House*

JEFF LONGBINE  
 ELAINE BOWERS  
 TOM HAWK  
*Conferees on part of Senate*

Senator Longbine moved the Senate adopt the Conference Committee Report on **H Sub for SB 117**.

On roll call, the vote was: Yeas 35; Nays 2; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kerschen, King, Knox, Longbine, Love, Masterson, McGinn, Melcher, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: LaTurner, Pilcher-Cook.

Present and Passing: Kelly, Lynn, O'Donnell.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 127** submits the following report:

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

On page 3, by striking all in lines 6 through 15; in line 28, after "68-1034" by inserting "and 68-1111";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, by striking all after "highway"; in line 6, by striking all before "and"; in line 7, after "interchange" by inserting "; certain bridge inspections"; in line 8, after "sections" by inserting "; also repealing K.S.A. 68-1111";

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

RICHARD PROEHL  
 RON RYCKMAN, SR  
 ADAM LUSKER  
*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 127**.

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

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

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 228** 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 39; following line 39, by inserting:

"New Section 1. (a) For the purpose of financing a portion of the unfunded actuarial pension liability of the Kansas public employees retirement system, the Kansas development finance authority is hereby authorized to issue one or more series of revenue bonds under the Kansas development finance authority act in an amount necessary to provide a deposit or deposits to the Kansas public employees retirement system in a total amount not to exceed \$1,000,000,000 plus all amounts required to pay the costs of issuance of the bonds, including any credit enhancement, interest costs and to provide any required reserves for the bonds. No bonds shall be issued until such issuance has been approved by a resolution of the state finance council. The principal amount, interest rates and final maturity of such revenue bonds and any bonds issued to refund such bonds or parameters for such principal amount, interest rates and final maturity shall be approved by a resolution of the state finance council, except that, for any one or more series of revenue bonds issued pursuant to this section, such interest rate, all inclusive cost, shall not exceed 5%. The bonds, and interest thereon, issued pursuant to this section shall be payable from moneys appropriated by the state for such purpose. The bonds, and interest thereon, issued pursuant to this section shall be obligations only of the authority and in no event shall such bonds constitute an indebtedness or obligation of the Kansas public employees retirement system or an indebtedness or obligation for which the faith and credit or any assets of the system are pledged. Neither the state nor the department of administration shall have the power to pledge the full faith and credit or taxing power of the state for debt service on any bonds issued pursuant to this section, and any payment by the department for such purpose shall be subject to and dependent on appropriations by the legislature. Any obligation of the state or the department for payment of debt service on bonds issued pursuant to this section shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

(b) As used in this section, "unfunded actuarial pension liability" means the unfunded actuarially accrued liability of the state for the state of Kansas' and

participating employers', under K.S.A. 74-4931, and amendments thereto, portion of such liability of the Kansas public employees retirement system, determined as of the later of December 31, 2013, or the end of the most recent calendar year for which an actuarial valuation report is available and certified to the Kansas development finance authority by the executive director of the Kansas public employees retirement system.

(c) (1) The authority may pledge the contract or contracts authorized in subsection (d), or any part thereof, for the payment or redemption of the bonds, and covenant as to the use and disposition of moneys available to the authority for payment of the bonds. The authority is authorized to enter into any agreements necessary or desirable to effectuate the purposes of this section.

(2) The proceeds from the sale of the 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 authority to the Kansas public employees retirement system to be applied to the payment, in full or in part, of the unfunded accrued pension liability as directed by the Kansas public employees retirement system.

(3) The state hereby pledges and covenants with the holders of any bonds issued pursuant to the provisions of this section that it will not limit or alter the rights or powers vested in the authority by this section, nor limit or alter the rights or powers of the authority, the department of administration or the Kansas public employees retirement system, in any manner which would jeopardize the interest of the holders or any trustee of such holders or inhibit or prevent performance or fulfillment by the authority, the department of administration or the Kansas public employees retirement system with respect to the terms of any agreement made with the holders of the bonds or agreements made pursuant to this section, except that the failure of the legislature to appropriate moneys for any purpose shall not be deemed a violation of this pledge and covenant. The department of administration is hereby specifically authorized to include this pledge and covenant in any agreement with the authority. The authority is hereby specifically authorized to include this pledge and covenant in any bond resolution, trust indenture or agreement for the benefit of holders of the bonds.

(4) Revenue bonds may be issued pursuant to this section without obtaining the consent of any department, division, commission, board or agency of the state, other than the approvals of the state finance council required by this section, and without any other proceedings or the occurrence of any other conditions or other things other than those proceedings, conditions or things which are specifically required by the Kansas development finance authority act.

(d) The department of administration and the authority are authorized to enter into one or more contracts to implement the payment arrangement that is provided for in this section. The contract or contracts shall provide for payment of the amounts required to be paid pursuant to this section and shall set forth the procedure for the transfer of moneys for the purpose of paying such moneys. The contract or contracts shall contain such terms and conditions, including principal amount, interest rates and final maturity, as shall be approved by resolution of the state finance council and shall include, but not be limited to, terms and conditions necessary or desirable to provide for repayment of and to secure any bonds of the authority issued pursuant to this section.

(e) The approvals by the state finance council required by subsections (a) and (d) are hereby characterized as matters of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto. Such approvals may be given by the state finance council when the legislature is in session.

Sec. 2. K.S.A. 2014 Supp. 74-4914d is hereby amended to read as follows: 74-4914d. Any additional cost resulting from the normal retirement date and retirement before such normal retirement date for security officers as provided in K.S.A. 74-4914c, and amendments thereto, and disability benefits as provided in K.S.A. 74-4914e, and amendments thereto, shall be added to the employer rate of contribution for the department of corrections as otherwise determined under K.S.A. 74-4920, and amendments thereto, except that the employer rate of contribution for the department of corrections including any such additional cost added to such employer rate of contribution pursuant to this section shall in no event exceed the employer rate of contribution for the department of corrections for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which security officers contribute during the period: (a) For the fiscal year commencing in calendar years 2010 through 2012, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (b) for the fiscal year commencing in calendar year 2013, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (c) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (d) for the fiscal year commencing in calendar year 2015, the employer rate of contribution shall be 10.91%, except that if bonds issued pursuant to section 1, and amendments thereto, have debt service payments that are fully or partially financed through the use of capitalized interest, or have capitalized interest-only debt service payments, the employer rate of contribution shall be an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; ~~and~~ (e) for the fiscal year commencing in calendar year 2016, the employer rate of contribution shall be 10.81%, except that if bonds issued pursuant to section 1, and amendments thereto, have debt service payments that are fully or partially financed through the use of capitalized interest, or have capitalized interest-only debt service payments, the employer rate of contribution shall be an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year; and (f) in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year. As used in this section, "capitalized interest" means interest payments on the bonds that are pre-funded or financed from bond proceeds as part of the issue for a specified period of time in order to offset one or more initial debt service payments.

Sec. 3. K.S.A. 2014 Supp. 74-4920 is hereby amended to read as follows: 74-4920. (1) (a) Upon the basis of each annual actuarial valuation and appraisal as provided for in ~~subsection (3)(a) of~~ K.S.A. 74-4908(3)(a), and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution which will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities which shall exist or accrue under the system, including amortization of the actuarial accrued liability as determined by the board. The

board shall determine the actuarial cost method to be used in annual actuarial valuations, to determine the employer contribution rates that shall be certified by the board. Such certified rate of contribution, amortization methods and periods and actuarial cost method shall be based on the standards set forth in ~~subsection (3)(a) of~~ K.S.A. 74-4908(3)(a), and amendments thereto, and shall not be based on any other purpose outside of the needs of the system.

(b) (i) For employers affiliating on and after January 1, 1999, upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908, and amendments thereto, the board shall certify, on or before July 15 of each year to each such employer an actuarially determined estimate of the rate of contribution which shall be required to be paid by each such employer to pay all of the liabilities which shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be termed the employer's participating service contribution and shall be uniform for all participating employers. Such additional liability shall be amortized as determined by the board. For all participating employers described in this section, the board shall determine the actuarial cost method to be used in annual actuarial valuations to determine the employer contribution rates that shall be certified by the board.

(ii) The board shall determine for each such employer separately an amount sufficient to amortize all liabilities for prior service costs which shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each such employer separately an actuarially determined estimate of the rate of contribution which shall be required to be paid by that employer to pay all of the liabilities for such prior service costs. Such rate shall be termed the employer's prior service contribution.

(2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation.

(3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each political subdivision, other than an instrumentality of the state, which is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act and, in the case of cities and counties, 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, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102, and amendments thereto. Each participating employer which is not by law authorized to levy taxes as described above, but which prepares a budget for its expenses for the ensuing year and presents the same to a governing body which is authorized by law to levy taxes as described above, may

include in its budget an amount sufficient to make its contributions under this act which may be in addition to all other taxes authorized by law. Such governing body to which the budget is submitted for approval, may levy a tax sufficient to allow the participating employer to make its contributions under this act, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act.

(5) (a) The rate of contribution certified to a participating employer as provided in this section shall apply during the fiscal year of the participating employer which begins in the second calendar year following the year of the actuarial valuation.

(b) (i) Except as specifically provided in this section, for fiscal years commencing in calendar year 1996 and in each subsequent calendar year, the rate of contribution certified to the state of Kansas shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than 0.2% of the amount of compensation upon which members contribute during the period.

(ii) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to the state of Kansas and to the participating employers under K.S.A. 74-4931, and amendments thereto, shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar years 2010 through 2012, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2013, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2015, the employer rate of contribution shall be 10.91%, except that if bonds issued pursuant to section 1, and amendments thereto, have debt service payments that are fully or partially financed through the use of capitalized interest, or have capitalized interest-only debt service payments, the employer rate of contribution shall be an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; ~~and~~ (E) for the fiscal year commencing in calendar year 2016, the employer rate of contribution shall be 10.81%, except that if bonds issued pursuant to section 1, and amendments thereto, have debt service payments that are fully or partially financed through the use of capitalized interest, or have capitalized interest-only debt service payments, the employer rate of contribution shall be an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year; and (F) in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year. As used in this subsection, "capitalized interest" means interest payments on the bonds that are pre-funded or financed from bond proceeds as part of the issue for a specified period of time in order to offset one or more initial debt service payments.

(iii) Except as specifically provided in this section, for fiscal years commencing in calendar year 1997 and in each subsequent calendar year, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed such participating employer's contribution rate for the immediately preceding fiscal year by more than 0.15% of the amount of compensation upon which members

contribute during the period.

(iv) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed the contribution rate for such employers for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar years 2010 through 2013, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2016, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2017, and in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year.

(v) As part of the annual actuarial valuation, there shall be a separate employer rate of contribution calculated for the state of Kansas, a separate employer rate of contribution calculated for participating employers under K.S.A. 74-4931, and amendments thereto, a combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, and a separate employer rate of contribution calculated for all other participating employers.

(vi) There shall be a combined employer rate of contribution certified to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto. There shall be a separate employer rate of contribution certified to all other participating employers.

(vii) If the combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, is greater than the separate employer rate of contribution for the state of Kansas, the difference in the two rates applied to the actual payroll of the state of Kansas for the applicable fiscal year shall be calculated. This amount shall be certified by the board for deposit as additional employer contributions to the retirement benefit accumulation reserve for the participating employers under K.S.A. 74-4931, and amendments thereto.

(6) The actuarial cost of any legislation enacted in the 1994 session of the Kansas legislature will be included in the June 30, 1994, actuarial valuation in determining contribution rates for participating employers.

(7) The actuarial cost of the provisions of K.S.A. 74-4950i, and amendments thereto, will be included in the June 30, 1998, actuarial valuation in determining contribution rates for participating employers. The actuarial accrued liability incurred for the provisions of K.S.A. 74-4950i, and amendments thereto, shall be amortized over 15 years.

(8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature, except the actuarial cost of K.S.A. 74-49,114a, and amendments thereto, shall be in addition to the employer contribution rates certified for the employer contribution rate in the fiscal year immediately following such enactment.

Such actuarial cost shall be determined by the qualified actuary employed or retained by the system pursuant to K.S.A. 74-4908, and amendments thereto, and reported to the system and the joint committee on pensions, investments and benefits.

(9) Notwithstanding the provisions of subsection (8), the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be first reflected in employer contribution rates effective with the first day of the first payroll period for the fiscal year 2005. The actuarial accrued liability incurred for the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be amortized over 10 years.

(10) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 2014 Supp. 74-49,114b, and amendments thereto, for retirees other than local retirees as described in subsection (11) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2007.

(11) The actuarial accrued liability incurred for the provisions of K.S.A. 2014 Supp. 74-49,114b, and amendments thereto, for the KPERS local group and retirees who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(12) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 2014 Supp. 74-49,114c, and amendments thereto, for retirees other than local retirees as described in subsection (13) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2008.

(13) The actuarial accrued liability incurred for the provisions of K.S.A. 2014 Supp. 74-49,114c, and amendments thereto, for the KPERS local group and retirees who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(14) The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912, and amendments thereto, at rates different from the rate fixed for employers joining within one year of the first entry date.

(15) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

(16) Notwithstanding any provision of law to the contrary, each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive director for credit to the Kansas public employees retirement fund within three days after the end of the period covered by the remittance by electronic funds transfer. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection shall be subject to interest at the rate established for interest on judgments under ~~subsection (a) of~~ K.S.A. 16-204(a), and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

Sec. 4. K.S.A. 2014 Supp. 74-4914d and 74-4920 are hereby repealed.";

And by renumbering sections accordingly;

Also on page 4, in line 41, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, by striking "police"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "public employees retirement

system and systems thereunder; revenue bonds to finance a portion of unfunded actuarial liability of KPERS; requirements and procedures; employer contribution rates; amending K.S.A. 2014 Supp. 74-4914d and 74-4920 and repealing the existing sections";

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

STEVEN JOHNSON

KENT THOMPSON

*Conferees on part of House*

JEFF KING

JEFF LONGBINE

*Conferees on part of Senate*

Senator King moved the Senate adopt the Conference Committee Report on **SB 228**.

On roll call, the vote was: Yeas 23; Nays 16; Present and Passing 1; Absent or Not Voting 0.

Yeas: Bowers, Bruce, Denning, Donovan, Fitzgerald, Haley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Ostmeyer, Petersen, Powell, Smith, Wagle, Wilborn.

Nays: Abrams, Arpke, Baumgardner, Faust-Goudeau, Hawk, Hensley, Holland, Kelly, McGinn, Olson, Pettey, Pilcher-Cook, Pyle, Schmidt, Tyson, Wolf.

Present and Passing: Francisco.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Madam President: I ask to "Pass" on the conference committee report on **SB 228**. I recognize that we need to reduce the actuarial liability on our Kansas Public Employees Retirement System and I understand that there are arguments in favor of passing bonds to address that issue. We must honor our commitments to our employees. However I am very concerned that we have asked our state employees, many of whom have not been given a raise in a number of years, to pay a higher percentage of their salary into the program at the same time we allowed the employer, the State of Kansas, to reduce their statutorily required contributions. The state should be contributing our fair share. The bonds are an additional chance to raise funds and I hope it will be a good investment for the state.—MARCI FRANCISCO

Senator Haley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **SB 228**.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2013** 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 5 through 36;

By striking all on page 2;

On page 3, by striking all in line 1; also on page 3, following line 1, by inserting:

"New Section 1. There is hereby created in the state treasury the commercial driver's license drive test fee fund. All moneys credited to the commercial driver's license drive test fee fund shall be used by the department of revenue only for the purposes of funding the administration and operation of the commercial driver's license drive test, including software maintenance and enhancement, equipment maintenance and purchase, acquisition and maintenance of one or more test tracks or courses for conducting a driving test, training and marketing associated with the operations for the division of vehicles regarding the issuance of commercial driver's licenses. All expenditures from the commercial driver's license drive test fee fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the department of revenue.

New Sec. 2. The division of vehicles shall remit the commercial driver's license drive test fees received by the division under K.S.A. 8-240(a)(1), and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such fees to the commercial driver's license drive test fee fund. Moneys credited to the commercial driver's license drive test fee fund as provided herein shall be used to supplement existing appropriations and shall not be used to supplant general fund or other special revenue fund appropriations to the Kansas department of revenue.

Sec. 3. K.S.A. 2014 Supp. 8-142 is hereby amended to read as follows: 8-142. It shall be unlawful for any person to commit any of the following acts and except as otherwise provided, violation is subject to penalties provided in K.S.A. 8-149, and amendments thereto:

*First:* To operate, or for the owner thereof knowingly to permit the operation, upon a highway of any vehicle, as defined in K.S.A. 8-126, and amendments thereto, which is not registered, or for which a certificate of title has not been issued or which does not have attached thereto and displayed thereon the license plate or plates assigned thereto by the division for the current registration year, including any registration decal required to be affixed to any such license plate pursuant to K.S.A. 8-134, and amendments thereto, subject to the exemptions allowed in K.S.A. 8-135, 8-198 and 8-1751a, and amendments thereto. A violation of this ~~*First*~~ subsection by a person unlawfully claiming that a motor vehicle is exempt from registration as a self-propelled crane under ~~subsection (b)~~ of K.S.A. 8-128(b), and amendments thereto, shall constitute an unclassified misdemeanor punishable by a fine of not less than \$500. A person shall not be charged with a violation of this subsection for failing to display a registration decal on any vehicle except those included under K.S.A. 8-1,101 and K.S.A. 2014 Supp. 8-143m and 8-1,152, and amendments thereto, up to and including the 10<sup>th</sup> day following the expiration of the registration if the person is able to produce a printed payment receipt or electronic payment receipt from an online electronic payment processing system for the current 12-month registration period. Any charge for failing to display a registration decal up to and including the 10<sup>th</sup> day following the expiration of the registration shall be dismissed if the person produces in court a registration receipt for the current 12-month registration period which was valid at the time of arrest.

*Second:* To display or cause or permit to be displayed, or to have in possession, any registration receipt, certificate of title, registration license plate, registration decal, accessible parking placard or accessible parking identification card knowing the same to be fictitious or to have been canceled, revoked, suspended or altered. A violation of this ~~part *Second* subsection~~ shall constitute an unclassified misdemeanor punishable by a fine of not less than \$100 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this ~~part *Second* subsection~~. This ~~part *Second* subsection~~ shall not apply to the possession of: (a) Model year license plates displayed on antique vehicles as allowed under K.S.A. 8-172, and amendments thereto; or (b) distinctive license plates allowed under K.S.A. 8-1,147, and amendments thereto.

*Third:* To lend to or knowingly permit the use by one not entitled thereto any registration receipt, certificate of title, registration license plate or registration decal issued to the person so lending or permitting the use thereof.

*Fourth:* To fail or refuse to surrender to the division, upon demand, any registration receipt, certificate of title, registration license plate or registration decal which has been suspended, canceled or revoked.

*Fifth:* To use a false or fictitious name or address in any application for a certificate of title, the registration of any vehicle or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

*Sixth:* For the owner of a motor vehicle to file application for the registration thereof, in any county other than the county in which the owner of the vehicle resides or has a bona fide place of business, which place is not an office or facility established or maintained solely for the purpose of obtaining registration.

*Seventh:* To operate on the highways of this state a vehicle or combination of vehicles whose weight with cargo is in excess of the gross weight for which the truck or truck tractor propelling the same is registered, except as provided by K.S.A. 8-143, and amendments thereto, and ~~subsections (a) to (f), inclusive, of K.S.A. 8-1911(a) through (f)~~, and amendments thereto. Such gross weight shall not be required to be in excess of the limitations described by K.S.A. 8-1908 and 8-1909, and amendments thereto, for such vehicle or combination of vehicles of which it is a part. Any person or owner who operates a vehicle in this state with a registration in violation of ~~subsection (b) of K.S.A. 8-143(b)~~, and amendments thereto, shall be required to pay the additional fee equal to the fee required by the applicable registration fee schedule, less the amount of the fee required for the gross weight for which the vehicle is registered to obtain the proper registration therewith. A fine of \$75 shall be assessed for all such gross weight registration violations.

*Eighth:* To operate a local truck or truck tractor which is registered for a gross weight of more than 12,000 pounds as a common carrier outside a radius of three miles beyond the corporate limits of the city in which such vehicle was based when registered and licensed or to operate any other local truck or truck tractor licensed for a gross weight of more than 12,000 pounds outside a radius of 25 miles beyond the corporate limits of the city in which such vehicle was based when registered and licensed, except as provided in ~~subsection (b) of K.S.A. 8-143(b)~~ or 8-143i, and amendments thereto.

*Ninth:* To operate on the highways of this state a farm truck or farm trailer other than to transport: (a) Agricultural products produced by such owner; (b) commodities purchased by the owner for use on the farm owned or rented by the owner of such

vehicles; (c) commodities for religious or educational institutions being transported by the owner of such vehicles for charity and without compensation of any kind, except as provided in ~~subsection (c) of K.S.A. 66-1,109(c)~~, and amendments thereto; or (d) sand, gravel, slag stone, limestone, crushed stone, cinders, black top, dirt or fill material to a township road maintenance or construction site of the township in which the owner of such truck resides.

*Tenth:* To operate a farm truck or truck tractor used in combination with a trailer or semitrailer for a gross weight which does not include the empty weight of the truck or truck tractor or of the combination of any truck or truck tractor and any type of trailer or semitrailer, plus the maximum weight of cargo which will be transported on or with the same; and such farm truck or farm truck tractor used to transport a gross weight of more than 54,000 pounds shall have durably lettered on the side of the motor vehicle the words "farm vehicle—not for hire."

*Eleventh:* To operate on the highways of this state any truck or truck tractor without the current quarter of license fees being paid thereon.

*Twelfth:* To operate on the highways of this state a truck or truck tractor without carrying in the cab a copy of the registration receipt for such vehicle or without having painted or otherwise durably marked on ~~said the~~ vehicle on both sides thereof, the gross weight for which ~~said the~~ vehicle is licensed and the name and address of the owner thereof, except as provided in K.S.A. 8-143e, and amendments thereto.

*Thirteenth:* To operate on the highways of this state a farm trailer carrying more than 6,000 pounds without being registered and the registration fees paid thereon.

*Fourteenth:* To operate more than 6,000 miles in any calendar year any truck or truck tractor which has been registered and licensed to operate not more than 6,000 miles in such calendar year, as provided in ~~subsection (b) of K.S.A. 8-143(b)~~, and amendments thereto, unless the additional fee required by such subsection (b) has been paid.

*Fifteenth:* For any owner who has registered a truck or truck tractor on the basis of operating not more than 6,000 miles to fail to keep the records required by the director of vehicles, or to fail to comply with rules and regulations of the secretary of revenue relating to such registration.

*Sixteenth:* To operate a vehicle or combination of vehicles on the national system of interstate and defense highways with a gross weight greater than permitted by the laws of the United States congress.

Sec. 4. K.S.A. 8-143e is hereby amended to read as follows: 8-143e. The county treasurer shall issue to the owner a registration receipt on each application for a truck or truck tractor license. The registration application and receipt shall be in such number and contain such information as the division shall determine. Except as provided by K.S.A. 8-142 First, and amendments thereto, a copy of the registration receipt shall be carried in the cab of such truck or truck tractor during all the time the same is operated on the highways of this state. Any truck or truck tractor for which the owner has declared the maximum gross weight to be more than ~~twelve thousand (12,000)~~ 12,000 pounds shall have painted or otherwise durably marked on ~~said the~~ vehicle on both sides ~~thereof~~, in plain letters not less than two ~~(2)~~ inches in height and with not less than ~~one fourth (1/4)~~ 1/4 inch stroke, the gross weight for which ~~said the~~ vehicle is licensed, and the name and address of the owner or lessee ~~thereof~~. ~~Provided, That,~~ If the division ~~shall find~~ finds that any insignia or trademark painted or otherwise durably marked on any such vehicle is sufficient to properly show the gross weight for which ~~said the~~

vehicle is licensed and to identify the owner and show the address of the owner thereof, the division may issue a permit authorizing the use of such insignia or trademark. ~~Provided further, That~~ A vehicle registered as a farm truck or truck tractor shall not be required to be so painted or marked. When such painting or marking shall become illegible, the same shall be repainted or remarked, as herein required.

Sec. 5. K.S.A. 2014 Supp. 8-240 is hereby amended to read as follows: 8-240. (a) (1) Every application for an instruction permit shall be made upon a form furnished by the division of vehicles and accompanied by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes. Every other application shall be made upon a form furnished by the division and accompanied by an examination fee of \$3, unless a different fee is required by K.S.A. 8-241, and amendments thereto, and by the proper fee for the license for which the application is made. All commercial class applicants shall be charged a \$15 driving test fee for the drive test portion of the commercial driver's license application. If the applicant is not required to take an examination or the commercial license drive test, the examination or commercial drive test fee shall not be required. The examination shall consist of three tests, as follows: (A) Vision; (B) written; and (C) driving. For a commercial driver's license, the drive test shall consist of three components, as follows: (A) Pre-trip; (B) skills test; and (C) road test. If the applicant fails the vision test, the applicant may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant for a commercial driver's license fails any portion of the commercial drive test, the applicant may take such test again upon the payment of an additional drive test fee of \$10. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a reexamination fee of \$3, except that any applicant who fails to pass the written or driving portion of an examination four times within a six-month period, shall be required to wait a period of six months from the date of the last failed examination before additional examinations may be given. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver's license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

(2) Applicants for class M licenses who have completed prior motorcycle safety training in accordance with department of defense instruction 6055.04 (DoDI 6055.04) are not required to complete further written and driving testing pursuant to paragraph (1) of this subsection.

(b) (1) For the purposes of obtaining any driver's license or instruction permit, an applicant shall submit, with the application, proof of age and proof of identity as the division may require. The applicant also shall provide a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant's full legal name and date of birth, and documentation showing the applicant's name, the

applicant's address of principal residence and the applicant's social security number. The applicant's social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, and amendments thereto. If the applicant does not have a social security number the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the license or permit.

(2) The division shall not issue any driver's license or instruction permit to any person who fails to provide proof that the person is lawfully present in the United States. Before issuing a driver's license or instruction permit to a person, the division shall require valid documentary evidence that the applicant: (A) Is a citizen or national of the United States; (B) is an alien lawfully admitted for permanent or temporary residence in the United States; (C) has conditional permanent resident status in the United States; (D) has an approved application for asylum in the United States or has entered into the United States in refugee status; (E) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States; (F) has a pending application for asylum in the United States; (G) has a pending or approved application for temporary protected status in the United States; (H) has approved deferred action status; or (I) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(3) If an applicant provides evidence of lawful presence set out in subsections (b) (2)(E) through (2)(I), or is an alien lawfully admitted for temporary residence under subsection (b)(2)(B), the division may only issue a driver's license to the person under the following conditions: (A) A driver's license issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a driver's license issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires; (C) no driver's license issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by ~~subsection (a) of~~ K.S.A. 8-247(a), and amendments thereto; and (D) a driver's license issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions as set out in this subsection (b) for the issuance of the original driver's license.

(4) The division shall not issue any driver's license or instruction permit to any person who is not a resident of the state of Kansas, except as provided in K.S.A. 8-2,148, and amendments thereto.

(5) The division shall not issue a driver's license to a person holding a driver's license issued by another state without making reasonable efforts to confirm that the person is terminating or has terminated the driver's license in the other state.

(6) The parent or guardian of an applicant under 16 years of age shall sign the application for any driver's license submitted by such applicant.

(c) Every application shall state the full legal name, date of birth, gender and address of principal residence of the applicant, and briefly describe the applicant, and shall state whether the applicant has been licensed as a driver prior to such application, and, if so, when and by what state or country. Such application shall state whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or

refusal. In addition, applications for commercial drivers' licenses and instruction permits for commercial licenses must include the following: The applicant's social security number; the person's signature; the person's colored digital photograph; certifications, including those required by 49 C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving record information; and, any other information required by the division.

(d) When an application is received from a person previously licensed in another jurisdiction, the division shall request a copy of the driver's record from the other jurisdiction. When received, the driver's record shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

(e) When the division receives a request for a driver's record from another licensing jurisdiction the record shall be forwarded without charge.

(f) A fee shall be charged as follows:

(1) For a class C driver's license issued to a person at least 21 years of age, but less than 65 years of age, \$18;

(2) for a class C driver's license issued to a person 65 years of age or older, \$12;

(3) for a class M driver's license issued to a person at least 21 years of age, but less than 65 years of age, \$12.50;

(4) for a class M driver's license issued to a person 65 years of age or older, \$9;

(5) for a class A or B driver's license issued to a person who is at least 21 years of age, but less than 65 years of age, \$24;

(6) for a class A or B driver's license issued to a person 65 years of age or older, \$16;

(7) for any class of commercial driver's license issued to a person 21 years of age or older, \$18; or

(8) for class A, B, C or M, or a farm permit, or any commercial driver's license issued to a person less than 21 years of age, \$20.

A fee of \$10 shall be charged for each commercial driver's license endorsement, except air brake endorsements which shall have no charge.

A fee of \$3 per year shall be charged for any renewal of a license issued prior to the effective date of this act to a person less than 21 years of age.

If one fails to make an original application or renewal application for a driver's license within the time required by law, or fails to make application within 60 days after becoming a resident of Kansas, a penalty of \$1 shall be added to the fee charged for the driver's license.

(g) Any person who possesses an identification card as provided in K.S.A. 8-1324, and amendments thereto, shall surrender such identification card to the division upon being issued a valid Kansas driver's license or upon reinstatement and return of a valid Kansas driver's license.

(h) The division shall require that any person applying for a driver's license submit to a mandatory facial image capture.

(i) The director of vehicles may issue a temporary driver's license to an applicant who cannot provide valid documentary evidence as defined by subsection (b)(2), if the applicant provides compelling evidence proving current lawful presence. Any temporary license issued pursuant to this subsection shall be valid for one year.

Sec. 6. K.S.A. 8-143e and K.S.A. 2014 Supp. 8-142 and 8-240 are hereby

repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all following "to"; in line 2, by striking all before the period and inserting "registration of vehicles, penalties, evidence of renewal; commercial drivers' licenses, examination fees, commercial driver's license drive test fee fund; amending K.S.A. 8-143e and K.S.A. 2014 Supp. 8-142 and 8-240 and repealing the existing sections";

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

MIKE PETERSEN

KAY WOLF

PAT PETTEY

*Conferees on part of Senate*

RICHARD PROEHL

RONALD RYCKMAN, SR.

ADAM LUSKER

*Conferees on part of House*

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2013**.

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

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

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2044** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows: on page 12, following line 3, by inserting:

"New Sec. 11. (a) On and after January 1, 2016, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one omega psi phi license plate for each such passenger vehicle or truck. Such license plates shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and either the payment to the county treasurer of the logo use royalty payment established by omega psi phi or the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) Omega psi phi may authorize the use of its logo to be affixed on license plates as provided by this section. Any royalty payment received pursuant to this section shall be used to support omega psi phi. Any motor vehicle owner or lessee annually may apply to omega psi phi for the use of such logo. Upon annual application and payment

to either: (1) Omega psi phi in an amount of not less than \$25 nor more than \$100 as a logo use royalty payment for each license plate to be issued, omega psi phi shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement, which shall be presented by the motor vehicle owner or lessee at the time of registration; or (2) the county treasurer of the logo use royalty payment for each license plate to be issued.

(c) Any applicant for a license plate authorized by this section may make application for such plates not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for such license plate shall either provide the annual logo use authorization statement provided for in subsection (b) or pay to the county treasurer the logo use royalty payment established by omega psi phi. Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) The director of vehicles may transfer the omega psi phi license plates from a leased vehicle to a purchased vehicle.

(f) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant either provides to the county treasurer either the annual logo use authorization statement provided for in subsection (b) or the payment of the logo use royalty payment as established by omega psi phi. If such logo use authorization statement is not presented at the time of registration or faxed by omega psi phi, or the annual logo use royalty payment is not made to the county treasurer at the time of registration, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) Omega psi phi shall:

(1) Pay the initial cost of silk-screening for license plates authorized by this section; and

(2) provide to all county treasurers a toll-free telephone number where applicants can call omega psi phi for information concerning the application process or the status of their license plate application.

(h) Omega psi phi, with the approval of the director of vehicles and subject to the availability of materials and equipment, shall design a plate to be issued under the provisions of this section.

(i) As a condition of receiving the omega psi phi license plate and any subsequent registration renewal of such plate, the applicant must provide consent to the division authorizing the division's release of motor vehicle record information, including the applicant's name, address, logo use royalty payment amount, plate number and vehicle type to omega psi phi and the state treasurer.

(j) Annual logo use royalty payments collected by county treasurers under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the

state treasurer shall deposit the entire amount in the state treasury to the credit of the omega psi phi royalty fund, which is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the omega psi phi royalty fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the omega psi phi royalty fund to the appropriate designee of omega psi phi shall be made on a monthly basis.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking the second semicolon and inserting a comma; also in line 1, by striking the last semicolon and inserting a comma; in line 2, by striking the first semicolon and inserting a comma; also in line 2, by striking the second semicolon and inserting a comma; also in line 2, after the last semicolon by inserting "distinctive license plates, providing for the omega psi phi license plate;"

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

MIKE PETERSEN

KAY WOLF

PAT PETTEY

*Conferees on part of Senate*

RICHARD PROEHL

RONALD RYCKMAN, SR.

ADAM LUSKER

*Conferees on part of House*

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2044**.

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

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

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2064** submits the following report:

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

On page 4, following line 3, by inserting:

"Sec. 4. K.S.A. 2014 Supp. 40-2,118 is hereby amended to read as follows: 40-2,118. (a) For purposes of this act a "fraudulent insurance act" means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written, electronic, electronic impulse, facsimile, magnetic, oral, or telephonic communication or statement

as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

(b) An insurer that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed shall provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may require.

(c) Any other person that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed may provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may request.

(d) (1) Each insurer shall have antifraud initiatives reasonably calculated to detect fraudulent insurance acts. Antifraud initiatives may include: fraud investigators, who may be insurer employees or independent contractors; ~~or~~ and an antifraud plan submitted to the commissioner no later than July 1, 2007. Each insurer that submits an antifraud plan shall notify the commissioner of any material change in the information contained in the antifraud plan within 30 days after such change occurs. Such insurer shall submit to the commissioner in writing the amended antifraud plan.

The requirement for submitting any antifraud plan, or any amendment thereof, to the commissioner shall expire on the date specified in ~~paragraph (2) of this subsection~~ (d) (2) unless the legislature reviews and reenacts the provisions of ~~paragraph subsection (d)(2)~~ pursuant to K.S.A. 45-229, and amendments thereto.

(2) Any antifraud plan, or any amendment thereof, submitted to the commissioner for informational purposes only shall be confidential and not be a public record and shall not be subject to discovery or subpoena in a civil action unless following an in camera review, the court determines that the antifraud plan is relevant and otherwise admissible under the rules of evidence set forth in article 4 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto. The provisions of this paragraph shall expire on July 1, 2016, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2016.

(e) Except as otherwise specifically provided in ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5812 (a), and amendments thereto, and K.S.A. 44-5,125, and amendments thereto, a fraudulent insurance act shall constitute a severity level 6, nonperson felony if the amount involved is \$25,000 or more; a severity level 7, nonperson felony if the amount is at least \$5,000 but less than \$25,000; a severity level 8, nonperson felony if the amount is at least \$1,000 but less than \$5,000; and a class C nonperson misdemeanor if the amount is less than \$1,000. Any combination of fraudulent acts as defined in subsection (a) which occur in a period of six consecutive months which involves \$25,000 or more shall have a presumptive sentence of imprisonment regardless of its location on the sentencing grid block.

(f) In addition to any other penalty, a person who violates this statute shall be ordered to make restitution to the insurer or any other person or entity for any financial loss sustained as a result of such violation. An insurer shall not be required to provide coverage or pay any claim involving a fraudulent insurance act.

(g) This act shall apply to all insurance applications, ratings, claims and other benefits made pursuant to any insurance policy.

Sec. 5. K.S.A. 2014 Supp. 40-22a13 is hereby amended to read as follows: 40-22a13. On and after July 1, 2011, for the purposes of K.S.A. 40-22a13 through 40-22a16, and amendments thereto:

(a) "Adverse decision" means a utilization review determination by a third-party administrator, a health insurance plan, an insurer or a health care provider acting on behalf of an insured that a proposed or delivered health care service which would otherwise be covered under an insured's contract is not or was not medically necessary or the health care treatment has been determined to be experimental or investigational and:

(1) If the requested service is provided in a manner that leaves the insured with a financial obligation to the provider or providers of such services; or

(2) the adverse decision is the reason for the insured not receiving the requested services.

(b) "Emergency medical condition" means:

(1) The sudden, and at the time, unexpected onset of a health condition that requires immediate medical attention, where failure to provide medical attention would result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part or would place a person's health in serious jeopardy;

(2) a medical condition where the time frame for completion of a standard external review would seriously jeopardize the life or health of the insured or would jeopardize the insured's ability to regain maximum function; or

(3) a medical condition for which coverage has been denied based on a determination that the recommended or requested health care service or treatment is experimental or investigational, if the insured's treating physician certifies, in writing, that the recommended or requested health care service or treatment for the medical condition would be significantly less effective if not promptly initiated.

(c) "External review organization" means an entity that conducts independent external reviews of adverse decisions pursuant to a contract with the commissioner. Such entity shall ~~have experience serving as the external quality review organization in health programs administered by the state of Kansas,~~ or be a nationally accredited external review organization which utilizes health care providers actively engaged in the practice of their profession in the state of Kansas who are qualified and credentialed with respect to the health care service review. In the event the entity has no Kansas providers available who are qualified and credentialed with respect to the review of any case, the external review organization shall have the discretion to employ health care providers who actively engage in such health care provider's practice outside the state of Kansas.

(d) "Health insurance plan" means any hospital or medical expense policy, health, hospital or medical service corporation contract, and a plan provided by a municipal group-funded pool, or a health maintenance organization contract offered by an employer or any certificate issued under any such policies, contracts or plans.

(e) "Insured" means the beneficiary of any health insurance company, fraternal benefit society, health maintenance organization, nonprofit hospital and medical service corporation, municipal group-funded pool, and the self-funded coverage established by the state of Kansas, or any hospital or medical expense, health, hospital or medical

service corporation contract or a plan provided by a municipal group-funded pool.

(f) "Insurer" means any health insurance company, fraternal benefit society, health maintenance organization, nonprofit hospital and medical service corporation, provider sponsored organizations, municipal group-funded pool and the self-funded coverage established by the state of Kansas for its employees.

Sec. 6. K.S.A. 40-2203 is hereby amended to read as follows: 40-2203. (A) Required provisions. Except as provided in paragraph (C) of this section every such policy delivered or issued for delivery to any person in this state shall contain the provisions specified in this subsection in the words in which the same appear in this section, but the insurer, at its option, may substitute for one or more of such provisions corresponding provisions of different wording approved by the commissioner of insurance which are in each instance not less favorable in any respect to the insured or the beneficiary. Such provisions shall be preceded individually by the caption appearing in this subsection or at the option of the insurer, by such appropriate individual or group captions or subcaptions as the commissioner of insurance may approve.

(1) A provision as follows: "*Entire contract; changes*: This policy, including the endorsement and the attached papers, if any, constitutes the entire contract of insurance. No change in this policy shall be valid until approved by an executive officer of the insurer and unless such approval be endorsed hereon or attached hereto. No agent has authority to change this policy or to waive any of its provisions."

(2) A provision as follows: "*Time limit on certain defenses*: (a) After two years from the date of issue of this policy no misstatements, except fraudulent misstatement, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such two-year period."

The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial two year period, nor to limit the application of subsections (B) (1), (2), (3), (4) and (5) in the event of misstatement with respect to age or occupation or other insurance.

A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age 50, or (2) in the case of a policy issued after age 44, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer's option) under the caption "*Incontestable*": "After this policy has been in force for a period of two years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application.

(b) "No claim for loss incurred or disability (as defined in the policy) commencing after two years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss has existed prior to the effective date of coverage of this policy."

(3) A provision as follows: "*Grace period*: A grace period of \_\_\_\_\_" (insert a number not less than "7" for weekly premium policies, "10" for monthly premium policies and "31" for all other policies) "days will be granted for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force." A policy which contains a cancellation provision may add, at the end

of the above provision, "subject to the right of the insurer to cancel in accordance with the cancellation provision hereof." A policy in which the insurer reserves the right to refuse any renewal shall have, at the beginning of the above provision, "Unless not less than five days prior to the premium due date the insurer has delivered to the insured or has mailed to the last address as shown by the records of the insurer written notice of its intention not to renew this policy beyond the period for which the premium has been accepted."

(4) A provision as follows: "*Reinstatement*: If any renewal premium be not paid within the time granted the insured for payment, a subsequent acceptance of premium by the insurer or by any agent duly authorized by the insurer to accept such premium without requiring in connection therewith an application for reinstatement shall reinstate the policy. If the insurer or such agent requires an application for reinstatement and issues a conditional receipt for the premium tendered, the policy will be reinstated upon approval of such application by the insurer or, lacking such approval, upon the 45<sup>th</sup> day following the date such conditional receipt unless the insurer has previously notified the insured in writing of its disapproval of such application. The reinstated policy shall cover only loss resulting from such accidental injury as may be sustained after the date of reinstatement and loss due to such sickness as may begin more than ten days after such date. In all other respects the insured and insurer shall have the same rights thereunder as they had under the policy immediately before the due date of the defaulted premium, subject to any provisions endorsed hereon or attached hereto in connection with the reinstatement. Any premium accepted in connection with a reinstatement shall be applied to a period for which premium has not been previously paid, but not to any period more than 60 days prior to the date of reinstatement." The last sentence of the above provision may be omitted from any policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age 50 or, (2) in the case of a policy issued after age 44, for at least five years from its date of issue.

(5) A provision as follows: "*Notice of claim*: Written notice of claim must be given to the insurer within 20 days after the occurrence or commencement of any loss covered by the policy, or as soon thereafter as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insurer at \_\_\_\_\_" (insert the location of such office as the insurer may designate for the purpose), "or to any authorized agent of the insurer, with information sufficient to identify the insured, shall be deemed notice to the insurer." In a policy providing a loss-of-time benefit which may be payable for at least two years, an insurer may at its option insert the following between the first and second sentences of the above provisions: "Subject to the qualification set forth below, if the insured suffers loss of time on account of disability for which indemnity may be payable for at least two years, he shall, at least once in every six months after having given notice of claim, give to the insurer notice of continuance of said disability, except in the event of legal incapacity. The period of six months following any filing of proof by the insured or any payment by the insurer on account of such claim or any denial of liability in whole or in part by the insurer shall be excluded in applying this provision. Delay in the giving of such notice shall not impair the insured's right to any indemnity which would otherwise have accrued during the period of six months preceding the date on which such notice is actually given.

(6) A provision as follows: "*Claim forms*: The insurer, upon receipt of a notice of

claim, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not furnished within 15 days after the giving of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made."

(7) A provision as follows: "*Proofs of loss*: Written proof of loss must be furnished to the insurer at its said office in case of claim for loss for which this policy provides any periodic payment contingent upon continuing loss within 90 days after the termination of the period for which the insurer is liable and in case of claim for any other loss within 90 days after the date of such loss. Failure to furnish such proof within the time required shall not invalidate nor reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity, later than one year from the time proof is otherwise required."

(8) A provision as follows: "*Time of payment of claims*: Indemnities payable under this policy for any loss other than loss for which this policy provides any periodic payment will be paid immediately upon receipt of due written proof of such loss. Subject to due written proof of loss, all accrued indemnities for loss for which this policy provides periodic payment will be paid \_\_\_\_\_" (insert period for payment which must not be less frequently than monthly) "and any balance remaining unpaid upon the termination of liability will be paid immediately upon receipt of due written proof."

(9) A provision as follows: "*Payment of claims*: Indemnity for loss of life will be payable in accordance with the beneficiary designation and the provisions respecting such payment which may be prescribed herein and effective at the time of payment. If no such designation or provision is then effective, such indemnity shall be payable to the estate of the insured. Any other accrued indemnities unpaid at the insured's death, at the option of the insurer, may be paid either to such beneficiary or to such estate. All other indemnities will be payable to the insured." The following provisions, or either of them, may be included with the foregoing provision at the option of the insurer: "If any indemnity of this policy shall be payable to the estate of the insured, or to an insured or beneficiary who is a minor or otherwise not competent to give a valid release, the insurer may pay such indemnity, up to an amount not exceeding \$ \_\_\_\_\_" (insert an amount which shall not exceed \$1,000), "to any relative by blood or connection by marriage of the insured or beneficiary who is deemed by the insurer to be equitably entitled thereto. Any payment made by the insurer in good faith pursuant to this provision shall fully discharge the insurer to the extent of such payment. Subject to any written direction of the insured in the application or otherwise all or a portion of any indemnities provided by this policy on account of hospital, nursing, medical, or surgical services may, at the insurer's option and unless the insured requests otherwise in writing not later than the time of filing proofs of such loss, be paid directly to the hospital or person rendering such services; but it is not required that the service be rendered by a particular hospital or person."

(10) A provision as follows: "*Physical examinations and autopsy*: The insurer at its own expense shall have the right and opportunity to examine the person of the insured when and as often as it may reasonably require during the pendency of a claim hereunder and to make an autopsy in case of death where it is not forbidden by law."

(11) A provision as follows: "*Legal actions*: No action at law or in equity shall be brought to recover on this policy prior to the expiration of 60 days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of five years after the time written proof of loss is required to be furnished."

(12) A provision as follows: "*Change of beneficiary*: Unless the insured makes an irrevocable designation of beneficiary, the right to change of beneficiary is reserved to the insured and the consent of the beneficiary or beneficiaries shall not be requisite to surrender or assignment of this policy or to any change of beneficiary or beneficiaries, or to any other changes in this policy."

The first clause of this provision, relating to the irrevocable designation of beneficiary, may be omitted at the insurer's option.

(13) A provision as follows: "*Cancellation by insured*: The insured may cancel this policy at any time by written notice delivered or mailed to the insurer, effective upon receipt of such notice or on such later date as may be specified in such notice. In the event of cancellation or death of the insured, the insurer will promptly return the unearned portion of any premium paid. The earned premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. Cancellation shall be without prejudice to any claim originating prior to the effective date of cancellation." When approved by the commissioner, the "cancellation" provision appearing in subsection (B)(8) may be substituted for the above.

(B) *Other provisions*: Except as provided in paragraph (C) of this section, no such policy delivered or issued for delivery to any person in this state shall contain provisions respecting the matters set forth below unless such provisions are in the words in which the same appear in this section, but the insurer may, at its option, use in lieu of any such provision a corresponding provision of different wording approved by the commissioner of insurance which is not less favorable in any respect to the insured or the beneficiary. Any such provision contained in the policy shall be preceded individually by the appropriate caption appearing in this subsection or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the commissioner of insurance may approve.

(1) A provision as follows: "*Change of occupation*: If the insured be injured or contract sickness after having changed his occupation to one classified by the insurer as more hazardous than that stated in this policy or while doing for compensation anything pertaining to an occupation so classified, the insurer will pay only such portion of the indemnities provided in this policy as the premium paid would have purchased at the rates and within the limits fixed by the insurer for such more hazardous occupation. If the insured changes his occupation to one classified by the insurer as less hazardous than that stated in this policy, the insurer, upon receipt of proof of such change of occupation, will reduce the premium rate accordingly, and will return the excess pro rata unearned premium from the date of change of occupation or from the policy anniversary date immediately preceding receipt of such proof, whichever is the more

recent. In applying this provision, the classification of occupational risk and the premium rates shall be such as have been last filed by the insurer prior to the occurrence of the loss for which the insurer is liable or prior to date of proof of change in occupation with the state official having supervision of insurance in the state where the insured resided at the time this policy was issued; but if such filing was not required, then the classification of occupational risk and the premium rates shall be those last made effective by the insurer in such state prior to the occurrence of the loss or prior to the date of proof of change in occupation."

(2) A provision as follows: "*Misstatement of age*: If the age of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age."

(3) A provision as follows: "*Other insurance in this insurer*: If an accident or sickness or accident and sickness policy or policies previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for \_\_\_\_\_" (insert type of coverage or coverages) "in excess of \_\_\_\_\_" (insert maximum limit of indemnity or indemnities) "the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured or to his estate"; or, in lieu thereof: "Insurance effective at any one time on the insured under a like policy or policies in this insurer is limited to one such policy elected by the insured, his beneficiary or his estate, as the case may be, and the insurer will return all premiums paid for all other such policies."

(4) A provision as follows: "*Insurance with other insurers*: If there be other valid coverage, not with this insurer, providing benefits for the same loss on a provision of service basis or on an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability under any expense incurred coverage of this policy shall be for such proportion of the loss as the amount which would otherwise have been payable hereunder plus the total of the like amounts under all such other valid coverages for the same loss of which this insurer had notice bears to the total like amounts under all valid coverages for such loss, and for the return of such portion of the premiums paid as shall exceed the pro rata portion for the amount so determined. For the purpose of applying this provision when other coverage is on a provision of service basis, the 'like amount' of such other coverage shall be taken as the amount which the services rendered would have cost in the absence of such coverage." If the foregoing policy provision is included in a policy which also contains the next following policy provision there shall be added to the caption of the foregoing provision the phrase "\_\_\_\_\_ expense incurred benefits." The insurer, at its option, may include in this provision a definition of "other valid coverage," approved as to form by the commissioner of insurance, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and by hospital or medical service organizations, and to any other coverage the inclusion of which may be approved by the commissioner of insurance. In the absence of such definition such term shall not include group insurance, automobile medical payments insurance, or coverage provided by hospital or medical service organizations or by union welfare plans or employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured

pursuant to any compulsory benefit statute (including any workmen's compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as "other valid coverage." The provisions of this paragraph shall not apply to any individual policy of accident and sickness insurance, as defined in K.S.A. 40-2201, and amendments thereto.

(5) A provision as follows: "*Insurance with other insurers*: If there be other valid coverage, not with this insurer, providing benefits for the same loss on other than an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability for such benefits under this policy shall be for such proportion of the indemnities otherwise provided hereunder for such loss as the like indemnities of which the insurer had notice (including the indemnities under this policy) bear to the total amount of all like indemnities for such loss, and the return of such portion of the premium paid as shall exceed the pro rata portion for the indemnities thus determined." If the foregoing policy provision is included in a policy which also contains the next preceding policy provision there shall be added to the caption of the foregoing provision the phrase "\_\_\_\_\_ other benefits." The insurer, at its option, may include in this provision a definition of "other valid coverage," approved as to form by the commissioner of insurance, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and to any other coverage the inclusion of which may be approved by the commissioner of insurance. In the absence of such definition such term shall not include group insurance, or benefits provided by union welfare plans or by employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workers compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying the foregoing policy provision no third-party liability coverage shall be included as "other valid coverage." The provisions of this paragraph shall not apply to any individual policy of accident and sickness insurance, as defined in K.S.A. 40-2201, and amendments thereto.

(6) A provision as follows: "*Relation of earnings to insurance*: If the total monthly amount of loss of time benefits promised for the same loss under all valid loss of time coverage upon the insured, whether payable on a weekly or monthly basis, shall exceed the monthly earnings of the insured at the time disability commenced or the average monthly earnings for the period of two years immediately preceding a disability for which claim is made, whichever is the greater, the insurer will be liable only for such proportionate amount of such benefits under this policy as the amount of such monthly earnings or such average monthly earnings of the insured bears to the total amount of monthly benefits for the same loss under all such coverage upon the insured at the time such disability commences and for the return of such part of the premiums paid during such two years as shall exceed the pro rata amount of the premiums for the benefits actually paid hereunder; but this shall not operate to reduce the total monthly amount of benefits payable under all such coverage upon the insured below the sum of \$200 or the

sum of the monthly benefits specified in such coverages, whichever is the lesser, nor shall it operate to reduce benefits other than those payable for loss of time." The foregoing policy provision may be inserted only in a policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age 50, or (2) in the case of a policy issued after age 44, for at least five years from its date of issue. The insurer, at its option, may include in this provision a definition of "valid loss of time coverage," approved as to form by the commissioner of insurance, which definition shall be limited in subject matter to coverage provided by governmental agencies or by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, or to any other coverage the inclusion of which may be approved by the commissioner of insurance or any combination of such coverages. In the absence of such definition such term shall not include any coverage provided for such insured pursuant to any compulsory benefit statute (including any workers compensation or employer's liability statute), or benefits provided by union welfare plans or by employer or employee benefit organizations.

(7) A provision as follows: "*Unpaid premium*: Upon the payment of a claim under this policy, any premium then due and unpaid or covered by any note or written order may be deducted therefrom."

(8) A provision as follows: "*Cancellation*: The insurer may cancel this policy at any time by written notice delivered to the insured, or mailed to his last address as shown by the records of the insurer, stating when, not less than five days thereafter, such cancellation shall be effective; and after the policy has been continued beyond its original term the insured may cancel this policy at any time by written notice delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified in such notice. In the event of cancellation, the insurer will return promptly the unearned portion of any premium paid. If the insured cancels, the earned premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. If the insurer cancels, the earned premium shall be computed pro rata. Cancellation shall be without prejudice to any claim originating prior to the effective date of cancellation."

(9) A provision as follows: "*Conformity with state statutes*: Any provision of this policy which, on its effective date, is in conflict with the statutes of the state in which the insured resides on such date is hereby amended to conform to the minimum requirements of such statutes."

(10) A provision as follows: "*Illegal occupation*: The insurer shall not be liable for any loss to which a contributing cause was the insured's commission of or attempt to commit a felony or to which a contributing cause was the insured's being engaged in an illegal occupation."

(11) A provision as follows: "*Intoxicants and narcotics*: The insurer shall not be liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic unless administered on the advice of a physician."

(C) *Inapplicable or inconsistent provisions*: If any provision of this section is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy the insurer, with the approval of the commissioner of

insurance, shall omit from such policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of the provision in such manner as to make the provision as contained in the policy consistent with the coverage provided by the policy.

(D) *Order of certain policy provisions:* The provisions which are the subject of subsection (A) and (B) of this section, or any corresponding provisions which are used in lieu thereof in accordance with such subsections, shall be printed in the consecutive order of the provisions in such subsections or, at the option of the insurer, any such provision may appear as a unit in any part of the policy, with other provisions to which it may be logically related, provided the resulting policy, shall not be in whole or in part unintelligible, uncertain, ambiguous, abstruse, or likely to mislead a person to whom the policy is offered, delivered or issued.

(E) *Third-party ownership:* The word "insured," as used in this act, shall not be construed as preventing a person other than the insured with a proper insurable interest from making application for and owning a policy covering the insured or from being entitled under such a policy to any indemnities, benefits and rights provided therein.

(F) *Requirements of other jurisdictions:* (1) Any policy of a foreign or alien insurer, when delivered or issued for delivery to any person in this state, may contain any provision which is not less favorable to the insured or the beneficiary than the provisions of this act and which is prescribed or required by the law of the state under which the insurer is organized.

(2) Any policy of a domestic insurer, when issued for delivery in any other state or country, may contain any provision permitted or required by the laws of such other state or country.

(G) *Filing procedure:* The commissioner of insurance may make such reasonable rules and regulations concerning the procedure for the filing or submission of policies subject to this act as are necessary, proper or advisable to the administration of this act. This provision shall not abridge any other authority granted the commissioner of insurance by law.

(H) (1) No policy issued by an insurer 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.

(2) Violation of this subsection shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

Sec. 7. K.S.A. 2014 Supp. 40-3401 is hereby amended to read as follows: 40-3401. As used in this act the following terms shall have the meanings respectively ascribed to them herein.

- (a) "Applicant" means any health care provider.
- (b) "Basic coverage" means a policy of professional liability insurance required to be maintained by each health care provider pursuant to the provisions of ~~subsection (a) or (b)~~ of K.S.A. 40-3402(a) or (b), and amendments thereto.
- (c) "Commissioner" means the commissioner of insurance.
- (d) "Fiscal year" means the year commencing on the effective date of this act and each year, commencing on the first day of July thereafter.
- (e) "Fund" means the health care stabilization fund established pursuant to ~~subsection (a)~~ of K.S.A. 40-3403(a), and amendments thereto.

(f) "Health care provider" means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a medical care facility licensed by the state of Kansas, a podiatrist licensed by the state board of healing arts, a health maintenance organization issued a certificate of authority by the commissioner of insurance, an optometrist licensed by the board of examiners in optometry, a pharmacist licensed by the state board of pharmacy, a licensed professional nurse who is authorized to practice as a registered nurse anesthetist, a licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 65-1153, and amendments thereto, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are health care providers as defined by this subsection, a Kansas limited liability company organized for the purpose of rendering professional services by its members who are health care providers as defined by this subsection and who are legally authorized to render the professional services for which the limited liability company is organized, a partnership of persons who are health care providers under this subsection, a Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are health care providers as defined by this subsection, a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine, a dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899, and amendments thereto, a psychiatric hospital licensed prior to January 1, 1988, and continuously thereafter under K.S.A. 75-3307b, and amendments thereto, or a mental health center or mental health clinic licensed by the state of Kansas. On and after January 1, 2015, "health care provider" also means a physician assistant licensed by the state board of healing arts, a licensed advanced practice registered nurse who is authorized by the state board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife, a licensed advanced practice registered nurse who has been granted a temporary authorization by the state board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife, a nursing facility licensed by the state of Kansas, an assisted living facility licensed by the state of Kansas or a residential health care facility licensed by the state of Kansas. "Health care provider" does not include: (1) Any state institution for people with intellectual disability; (2) any state psychiatric hospital; (3) any person holding an exempt license issued by the state board of healing arts or the state board of nursing; (4) any person holding a visiting clinical professor license from the state board of healing arts; (5) any person holding an inactive license issued by the state board of healing arts; (6) any person holding a federally active license issued by the state board of healing arts; (7) an advanced practice registered nurse who is authorized by the state board of nursing to practice as an advanced practice registered nurse in the classification of nurse-midwife or nurse anesthetist and who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who, ~~in addition to such employment or assignment,~~ provides professional services as a charitable health care provider as defined under K.S.A. 75-6102, and amendments thereto; or (8) a physician assistant licensed by the state board

of healing arts who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who, ~~in addition to such employment or assignment,~~ provides professional services as a charitable health care provider as defined under K.S.A. 75-6102, and amendments thereto.

(g) "Inactive health care provider" means a person or other entity who purchased basic coverage or qualified as a self-insurer on or subsequent to the effective date of this act but who, at the time a claim is made for personal injury or death arising out of the rendering of or the failure to render professional services by such health care provider, does not have basic coverage or self-insurance in effect solely because such person is no longer engaged in rendering professional service as a health care provider.

(h) "Insurer" means any corporation, association, reciprocal exchange, inter-insurer and any other legal entity authorized to write bodily injury or property damage liability insurance in this state, including workers compensation and automobile liability insurance, pursuant to the provisions of the acts contained in article 9, 11, 12 or 16 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(i) "Plan" means the operating and administrative rules and procedures developed by insurers and rating organizations or the commissioner to make professional liability insurance available to health care providers.

(j) "Professional liability insurance" means insurance providing coverage for legal liability arising out of the performance of professional services rendered or which should have been rendered by a health care provider.

(k) "Rating organization" means a corporation, an unincorporated association, a partnership or an individual licensed pursuant to K.S.A. 40-956, and amendments thereto, to make rates for professional liability insurance.

(l) "Self-insurer" means a health care provider who qualifies as a self-insurer pursuant to K.S.A. 40-3414, and amendments thereto.

(m) "Medical care facility" means the same when used in the health care provider insurance availability act as the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto, except that as used in the health care provider insurance availability act such term, as it relates to insurance coverage under the health care provider insurance availability act, also includes any director, trustee, officer or administrator of a medical care facility.

(n) "Mental health center" means a mental health center licensed by the state of Kansas under K.S.A. 75-3307b, and amendments thereto, except that as used in the health care provider insurance availability act such term, as it relates to insurance coverage under the health care provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health center.

(o) "Mental health clinic" means a mental health clinic licensed by the state of Kansas under K.S.A. 75-3307b, and amendments thereto, except that as used in the health care provider insurance availability act such term, as it relates to insurance coverage under the health care provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health clinic.

(p) "State institution for people with intellectual disability" means Winfield state hospital and training center, Parsons state hospital and training center and the Kansas neurological institute.

(q) "State psychiatric hospital" means Larned state hospital, Osawatomic state

hospital and Rainbow mental health facility.

(r) "Person engaged in residency training" means:

(1) A person engaged in a postgraduate training program approved by the state board of healing arts who is employed by and is studying at the university of Kansas medical center only when such person is engaged in medical activities which do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and which have not been approved by the dean of the school of medicine and the executive vice-chancellor of the university of Kansas medical center. Persons engaged in residency training shall be considered resident health care providers for purposes of K.S.A. 40-3401 et seq., and amendments thereto; and

(2) a person engaged in a postgraduate training program approved by the state board of healing arts who is employed by a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine or who is employed by an affiliate of the university of Kansas school of medicine as defined in K.S.A. 76-367, and amendments thereto, only when such person is engaged in medical activities which do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and which have not been approved by the chief operating officer of the nonprofit corporation or the chief operating officer of the affiliate and the executive vice-chancellor of the university of Kansas medical center.

(s) "Full-time physician faculty employed by the university of Kansas medical center" means a person licensed to practice medicine and surgery who holds a full-time appointment at the university of Kansas medical center when such person is providing health care.

(t) "Sexual act" or "sexual activity" means that sexual conduct which constitutes a criminal or tortious act under the laws of the state of Kansas.

(u) "Board" means the board of governors created by K.S.A. 40-3403, and amendments thereto.

(v) "Board of directors" means the governing board created by K.S.A. 40-3413, and amendments thereto.

(w) "Locum tenens contract" means a temporary agreement not exceeding 182 days per calendar year that employs a health care provider to actively render professional services in this state.

(x) "Professional services" means patient care or other services authorized under the act governing licensure of a health care provider.

(y) "Health care facility" means a nursing facility, an assisted living facility or a residential health care facility as all such terms are defined in K.S.A. 39-923, and amendments thereto.

Sec. 8. K.S.A. 2014 Supp. 40-3414 is hereby amended to read as follows: 40-3414. (a) Any health care provider; or any health care system organized and existing under the laws of this state which owns and operates ~~two or more~~ than one ~~medical care facilities~~ facility or more than one health care facility, as defined in K.S.A. 40-3401, and amendments thereto, licensed by the state of Kansas, whose aggregate annual insurance premium is or would be \$100,000 or more for basic coverage calculated in accordance with rating procedures approved by the commissioner pursuant to K.S.A. 40-3413, and

amendments thereto, may qualify as a self-insurer by obtaining a certificate of self-insurance from the board of governors. Upon application of any such health care provider or health care system, on a form prescribed by the board of governors, the board of governors may issue a certificate of self-insurance if the board of governors is satisfied that the applicant is possessed and will continue to be possessed of ability to pay any judgment for which liability exists equal to the amount of basic coverage required of a health care provider obtained against such applicant arising from the applicant's rendering of professional services as a health care provider. In making such determination the board of governors shall consider: (1) The financial condition of the applicant; (2) the procedures adopted and followed by the applicant to process and handle claims and potential claims; (3) the amount and liquidity of assets reserved for the settlement of claims or potential claims; and (4) any other relevant factors. The certificate of self-insurance may contain reasonable conditions prescribed by the board of governors. Upon notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, the board of governors may cancel a certificate of self-insurance upon reasonable grounds therefor. Failure to pay any judgment for which the self-insurer is liable arising from the self-insurer's rendering of professional services as a health care provider, the failure to comply with any provision of this act or the failure to comply with any conditions contained in the certificate of self-insurance shall be reasonable grounds for the cancellation of such certificate of self-insurance. The provisions of this subsection shall not apply to the Kansas soldiers' home, the Kansas veterans' home or to any person who is a self-insurer pursuant to subsection (d) or (e).

(b) Any such health care provider or health care system that holds a certificate of self-insurance shall pay the applicable surcharge set forth in ~~subsection (e) of~~ K.S.A. 40-3402(c), and amendments thereto.

(c) The Kansas soldiers' home and the Kansas veterans' home shall be self-insurers and shall pay the applicable surcharge set forth in ~~subsection (e) of~~ K.S.A. 40-3402(c), and amendments thereto.

(d) Persons engaged in residency training as provided in ~~subsections (r)(1) and (2) of~~ K.S.A. 40-3401(r)(1) and (2), and amendments thereto, shall be self-insured by the state of Kansas for occurrences arising during such training, and such person shall be deemed a self-insurer for the purposes of the health care provider insurance availability act. Such self-insurance shall be applicable to a person engaged in residency training only when such person is engaged in medical activities which do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and which have not been approved as provided in ~~subsections (r)(1) and (2) of~~ K.S.A. 40-3401(r)(1) and (2), and amendments thereto.

(e) (1) A person engaged in a postgraduate training program approved by the state board of healing arts at a medical care facility or mental health center in this state may be self-insured by such medical care facility or mental health center in accordance with this subsection (e) and in accordance with such terms and conditions of eligibility therefor as may be specified by the medical care facility or mental health center and approved by the board of governors. A person self-insured under this subsection (e) by a medical care facility or mental health center shall be deemed a self-insurer for purposes of the health care provider insurance availability act. Upon application by a medical care facility or mental health center, on a form prescribed by the board of governors, the board of governors may authorize such medical care facility or mental health center to

self-insure persons engaged in postgraduate training programs approved by the state board of healing arts at such medical care facility or mental health center if the board of governors is satisfied that the medical care facility or mental health center is possessed and will continue to be possessed of ability to pay any judgment for which liability exists equal to the amount of basic coverage required of a health care provider obtained against a person engaged in such a postgraduate training program and arising from such person's rendering of or failure to render professional services as a health care provider.

(2) In making such determination the board of governors shall consider: (A) The financial condition of the medical care facility or mental health center; (B) the procedures adopted by the medical care facility or mental health center to process and handle claims and potential claims; (C) the amount and liquidity of assets reserved for the settlement of claims or potential claims by the medical care facility or mental health center; and (D) any other factors the board of governors deems relevant. The board of governors may specify such conditions for the approval of an application as the board of governors deems necessary. Upon approval of an application, the board of governors shall issue a certificate of self-insurance to each person engaged in such postgraduate training program at the medical care facility or mental health center who is self-insured by such medical care facility or mental health center.

(3) Upon notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, the board of governors may cancel, upon reasonable grounds therefor, a certificate of self-insurance issued pursuant to this subsection (e) or the authority of a medical care facility or mental health center to self-insure persons engaged in such postgraduate training programs at the medical care facility or mental health center. Failure of a person engaged in such postgraduate training program to comply with the terms and conditions of eligibility to be self-insured by the medical care facility or mental health center, the failure of a medical care facility or mental health center to pay any judgment for which such medical care facility or mental health center is liable as self-insurer of such person, the failure to comply with any provisions of the health care provider insurance availability act or the failure to comply with any conditions for approval of the application or any conditions contained in the certificate of self-insurance shall be reasonable grounds for cancellation of such certificate of self-insurance or the authority of a medical care facility or mental health center to self-insure such persons.

(4) A medical care facility or mental health center authorized to self-insure persons engaged in such postgraduate training programs shall pay the applicable surcharge set forth in ~~subsection (e) of~~ K.S.A. 40-3402(c), and amendments thereto, on behalf of such persons.

(5) As used in this subsection (e), "medical care facility" does not include the university of Kansas medical center or those community hospitals or medical care facilities described in ~~subsection (r)(2) of~~ K.S.A. 40-3401(r)(2), and amendments thereto.

(f) For the purposes of subsection (a), "health care provider" may include each health care provider in any group of health care providers who practice as a group to provide physician services only for a health maintenance organization, any professional corporations, partnerships or not-for-profit corporations formed by such group and the health maintenance organization itself. The premiums for each such provider, health maintenance organization and group corporation or partnership may be aggregated for

the purpose of being eligible for and subject to the statutory requirements for self-insurance as set forth in this section.

(g) The provisions of subsections (a) and (f), relating to health care systems, shall not affect the responsibility of individual health care providers as defined in ~~subsection (f) of~~ K.S.A. 40-3401(f), and amendments thereto, or organizations whose premiums are aggregated for purposes of being eligible for self-insurance from individually meeting the requirements imposed by K.S.A. 40-3402, and amendments thereto, with respect to the ability to respond to injury or damages to the extent specified therein and K.S.A. 40-3404, and amendments thereto, with respect to the payment of the health care stabilization fund surcharge.

(h) Each private practice corporation or foundation and their full-time physician faculty employed by the university of Kansas medical center and each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed a self-insurer for the purposes of the health care provider insurance availability act. The private practice corporation or foundation of which the full-time physician faculty is a member and each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall pay the applicable surcharge set forth in ~~subsection (a) of~~ K.S.A. 40-3404(a), and amendments thereto, on behalf of the private practice corporation or foundation and their full-time physician faculty employed by the university of Kansas medical center or on behalf of a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine.

(i) (1) Subject to the provisions of paragraph (4), for the purposes of the health care provider insurance availability act, each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed to have been a health care provider as defined in K.S.A. 40-3401, and amendments thereto, from and after July 1, 1997.

(2) Subject to the provisions of paragraph (4), for the purposes of the health care provider insurance availability act, each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed to have been a self-insurer within the meaning of subsection (h) ~~of this section~~, and amendments thereto, from and after July 1, 1997.

(3) Subject to the provisions of paragraph (4), for the purposes of the health care provider insurance availability act, the election of fund coverage limits for each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed to have been effective at the highest option, as provided in ~~subsection (l) of~~ K.S.A. 40-3403(l), and amendments thereto, from and after July 1, 1997.

(4) No nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be required to pay to the fund any annual

premium surcharge for any period prior to the effective date of this act. Any annual premium surcharge for the period commencing on the effective date of this act and ending on June 30, 2001, shall be prorated.";

Also on page 4, in line 4, after "40-19a11" by inserting ", 40-2203"; also in line 4, after "40-4201" by inserting "and K.S.A. 2014 Supp. 40-2,118, 40-22a13, 40-3401 and 40-3414";

And by renumbering sections accordingly;

On page 1, in the title, in lien 2, after "dental" by inserting "service"; in line 3, after the semicolon by inserting " required provisions; certain definitions; the health care provider insurance availability act; definitions; self insurance, health care systems;"; also in line 3, after "40-19a11" by inserting ", 40-2203"; also in line 3 after the last "and" by inserting "K.S.A. 2014 Supp. 40-2,118, 40-22a13, 40-3401 and 40-3414 and";

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

JEFF LONGBINE

ELAINE BOWERS

TOM HAWK

*Conferees on part of Senate*

SCOTT SCHWAB

ROB BRUCHMAN

RODERICK HOUSTON

*Conferees on part of House*

Senator Longbine moved the Senate adopt the Conference Committee Report on **HB 2064**.

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

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

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2090** 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. 2090, as follows:

On page 1, in line 8, before "K.S.A" by inserting "On and after July 1, 2015,";

On page 3, in line 20, before "K.S.A" by inserting "On and after July 1, 2015,";

On page 4, in line 9, before "K.S.A" by inserting "On and after July 1, 2015,"; following line 41, by inserting:

"Sec. 4. On and after July 1, 2015, K.S.A. 2014 Supp. 8-2,135 is hereby amended to read as follows: 8-2,135. (a) The commercial driver's license shall be marked "commercial driver's license" or "CDL," and must be, to the maximum extent practicable, tamper proof. It shall include, but not be limited to, the following

information:

- (1) The requirements set out in K.S.A. 8-243, and amendments thereto;
- (2) a number or identifier deemed appropriate by the state licensing authority;
- (3) the class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restriction;
- (4) the name of this state; and
- (5) the dates between which the license is valid.

(b) Commercial drivers' licenses issued pursuant to K.S.A. 8-234b, and amendments thereto, may be issued with the following endorsements or restrictions; and the holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles, except motorcycles and vehicles which require an endorsement, unless the proper endorsement appears on the license;

- (1) "H"—authorizes the driver to drive a vehicle transporting hazardous materials;
- (2) "L"—restricts the driver to vehicles not equipped with airbrakes;
- (3) "T"—authorizes driving double and triple trailers;
- (4) "P"—authorizes driving vehicles carrying passengers;
- (5) "N"—authorizes driving tank vehicles;
- (6) "X"—represents a combination of hazardous materials and tank vehicle endorsements;

(7) "S"—authorizes driving school buses;

(8) "E"—no manual transmission in CMV;

(9) "O"—no tractor-trailer;

(10) "M"—no class A passenger vehicle;

(11) "N"—no class A or B passenger vehicle;

(12) "Z"—no full air brake in CMV;

(13) "K"—for intrastate only;

(14) "V"—for medical variance.

(c) Before issuing a commercial driver's license, the division must obtain driving record information through the commercial driver license information system, the national driver register and from each state in which the person has been licensed.

(d) Within 10 days after issuing a commercial driver's license, the division shall notify the commercial driver license information system of that fact, providing all information required to ensure identification of the person.

(e) All original licenses issued after April 1, 1992, shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application. All renewals thereof shall expire on every fourth anniversary of the date of birth of the licensee. No driver's license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire at midnight on every fourth anniversary of the date of birth of the applicant. At least 30 days prior to the expiration of a person's license, the division shall mail a notice of expiration or renewal application to such person at the address shown on the license.

(f) When applying for renewal of a commercial driver's license, the applicant must complete the test required in ~~subsection (e) of K.S.A. 8-247(e)~~, and amendments thereto, and the application form required by ~~subsection (b) of K.S.A. 8-2,134(b)~~, and

amendments thereto, providing updated information and required certifications and if the applicant wishes to retain a hazardous materials endorsement, the applicant must take and pass the test for such endorsement.

Sec. 5. K.S.A. 2014 Supp. 8-1904 is hereby amended to read as follows: 8-1904. (a) No vehicle including any load thereon shall exceed a height of 14 feet, except that a vehicle transporting cylindrically shaped bales of hay as authorized by ~~subsection (e) of K.S.A. 8-1902(e)~~, and amendments thereto, may be loaded with such bales secured to a height not exceeding 14½ feet. Should a vehicle so loaded with bales strike any overpass or other obstacle, the operator of the vehicle shall be liable for all damages resulting therefrom. The secretary of transportation may adopt rules and regulations for the movement of such loads of cylindrically shaped bales of hay.

(b) No motor vehicle including the load thereon shall exceed a length of 45 feet extreme overall dimension, excluding the front and rear bumpers, except as provided in subsection (d).

(c) Except as otherwise provided in K.S.A. 8-1914 and 8-1915, and amendments thereto, and subsections (d), (e), (f), (g) and (h), no combination of vehicles coupled together shall exceed a total length of 65 feet.

(d) The length limitations in subsection (b) shall not apply to a truck tractor. No semitrailer which is being operated in combination with a truck tractor shall exceed 59½ feet in length. No semitrailer or trailer which is being operated in a combination consisting of a truck tractor, semitrailer and trailer shall exceed 28½ feet in length.

(e) The limitations in this section governing maximum length of a semitrailer or trailer shall not apply to vehicles operating in the daytime when transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, except that it shall be unlawful to operate any such vehicle or combination of vehicles which exceeds a total length of 85 feet unless a special permit for such operation has been issued by the secretary of transportation or by an agent or designee of the secretary pursuant to K.S.A. 8-1911, and amendments thereto. For the purpose of authorizing the issuance of such special permits at motor carrier inspection stations, the secretary of transportation may contract with the superintendent of the Kansas highway patrol for such purpose, and in such event, the superintendent or any designee of the superintendent may issue such special permit pursuant to the terms and conditions of the contract. The limitations in this section shall not apply to vehicles transporting such objects operated at nighttime by a public utility when required for emergency repair of public service facilities or properties or when operated under special permit as provided in K.S.A. 8-1911, and amendments thereto, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

(f) The limitations of this section governing the maximum length of combinations of vehicles shall not apply to a combination of vehicles consisting of a truck tractor towing a house trailer, if such combination of vehicles does not exceed an overall length of 97 feet.

(g) The length limitations of this section shall not apply to stinger-steered automobile or boat transporters or one truck and one trailer vehicle combination, loaded or unloaded, used in transporting a combine, forage cutter or combine header to be engaged in farm custom harvesting operations, as defined in ~~subsection (d) of K.S.A. 8-~~

143j(d), and amendments thereto. A stinger-steered automobile or boat transporter or one truck and one trailer vehicle combination, loaded or unloaded, used in transporting a combine, forage cutter or combine header to be engaged in farm custom harvesting operations, as defined in ~~subsection (d)~~ of K.S.A. 8-143j(d), and amendments thereto, shall not exceed an overall length limit of 75 feet, exclusive of front and rear overhang.

(h) The length limitations of this section shall not apply to drive-away saddlemount or drive-away saddlemount with fullmount vehicle transporter combination. A drive-away saddlemount or drive-away saddlemount with fullmount vehicle transporter combination shall not exceed an extreme overall dimension of 97 feet.

Sec. 6. K.S.A. 2014 Supp. 8-1904 is hereby repealed.";

Also on page 4, in line 42, before the first "K.S.A" by inserting "On and after July 1, 2015,"; also in line 42, by striking the second "and" and inserting a comma; also in line 42, after "8-1,134" by inserting "and 8-2,135";

On page 5, in line 2, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, before "amending" by inserting "commercial drivers' licenses, endorsements or restrictions; size limitations of certain vehicles, exceptions, forage cutters; in line 5, by striking the first "and" and inserting a comma; also in line 5, after "8-1,134" by inserting ", 8-2,135 and 8-1904";

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

MIKE PETERSEN

KAY WOLF

PAT PETTEY

*Conferees on part of Senate*

RICHARD PROEHL

RONALD RYCKMAN, SR.

ADAM LUSKER

*Conferees on part of House*

Senator Petersen moved the Senate adopt the Conference Committee Report on **S Sub HB 2090**.

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

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

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2101** 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. 2101, as follows:

On page 1, by striking all in lines 9 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 36 and inserting the following:

"Section 1. K.S.A. 2014 Supp. 74-4952 is hereby amended to read as follows: 74-4952. As used in K.S.A. 74-4951 et seq., and amendments thereto:

(1) "Accumulated contributions" means the sum of all contributions by a member to the system which shall be credited to the member's account with interest allowed thereon after June 30, 1982.

(2) "Disability" means the total inability to perform permanently the duties of the position of a policeman or fireman.

(3) "Eligible employer" means any city, county, township or other political subdivision of the state employing one or more employees as firemen or policemen.

(4) "Employee" means any policeman or fireman employed by a participating employer whose employment for police or fireman purposes is not seasonal or temporary and requires at least 1,000 hours of work per year.

(5) "Entry date" means the date as of which an eligible employer joins the system; the first entry date pursuant to this act is January 1, 1967.

(6) "Final average salary" means:

(a) For members who are first hired as an employee, as defined in subsection (4), before July 1, 1993, the average highest annual compensation paid to a member for any three of the last five years of participating service immediately preceding retirement or termination of employment, or if participating service is less than three years, then the average annual compensation paid to the member during the full period of participating service, or if a member has less than one calendar year of participating service, then the member's final average salary shall be computed by multiplying the member's highest monthly salary received in that year by 12;

(b) for members who are first hired as an employee, as defined in subsection (4), on and after July 1, 1993, the average highest annual salary, as defined in ~~subsection (33) of K.S.A. 74-4902(33)~~, and amendments thereto, paid to a member for any three of the last five years of participating service immediately preceding retirement or termination of employment, or if participating service is less than three years, then the average annual salary, as defined in ~~subsection (34) of K.S.A. 74-4902(33)~~, and amendments thereto, paid to the member during the full period of participating service, or if a member has less than one calendar year of participating service, then the member's final average salary shall be computed by multiplying the member's highest monthly salary received in that year by 12;

(c) for purposes of subparagraphs (a) and (b) of this subsection, the date that such member is first hired as an employee for members who are employees of employers that elected to participate in the system on or after January 1, 1994, shall be the date that such employee's employer elected to participate in the system; and

(d) for any application to purchase or repurchase service credit for a certain period of service as provided by law received by the system after May 17, 1994, for any member who will have contributions deducted from such member's compensation at a percentage rate equal to two or three times the employee's rate of contribution or who will have contributions deducted from such member's compensation at an additional rate of contribution, in addition to the employee's rate of contribution as provided in K.S.A. 74-4919, and amendments thereto, or will begin paying to the system a lump-sum amount for such member's purchase or repurchase, and such deductions or lump-

sum payment commences after the commencement of the first payroll period in the third quarter, "final average salary" shall not include any amount of compensation or salary which is based on such member's purchase or repurchase. Any application to purchase or repurchase multiple periods of service shall be treated as multiple applications.

(e) Notwithstanding any other provision of this section, for purposes of applying limits as provided by the federal internal revenue code, salary shall have the meaning as determined pursuant to K.S.A. 74-49,123, and amendments thereto.

(7) "Retirement benefit" means a monthly income or the actuarial equivalent thereof paid in such manner as specified by the member as provided under the system or as otherwise allowed to be paid at the discretion of the board, with benefits accruing from the first day of the month coinciding with or following retirement and ending on the last day of the month in which death occurs. Upon proper identification such surviving spouse may negotiate the warrant issued in the name of the retiree.

(8) "Normal retirement date" means the date on or after which a member may retire with eligibility for retirement benefits for age and service as provided in ~~subsections (1) and (2)~~ of K.S.A. 74-4957(1) and (3), and amendments thereto.

(9) "Retirement system" or "system" means the Kansas police and firemen's retirement system as established by this act and as it may be hereafter amended.

(10) "Service-connected" means with regard to a death or any physical or mental disability, any such death or disability resulting from external force, violence or disease occasioned by an act of duty as a policeman or fireman and, for any member after five years of credited service, there shall be a rebuttable presumption, that any death or disability resulting from a heart disease or disease of the lung or respiratory tract or cancer as provided in this subsection, except that in the event that the member ceases to be a contributing member by reason of a service-connected disability for a period of six months or more and then again becomes a contributing member, the provision relating to death or disability resulting from a heart disease, disease of the lung or respiratory tract or cancer as provided in this subsection shall not apply until such member has again become a contributing member for a period of not less than two years or unless clear and precise evidence is presented that the heart disease, disease of the lung or respiratory tract or cancer as provided in this subsection was in fact occasioned by an act of duty as a policeman or fireman. If the retirement system receives evidence to the contrary of such presumption, the burden of proof shall be on the member or other party to present evidence that such death or disability was service-connected. The provisions of this section relating to the presumption that the death or disability resulting from cancer is service-connected shall only apply if the condition that caused the death or disability is a type of cancer which may, in general, result from exposure to heat, radiation or a known carcinogen.

(11) Prior to July 1, 1998, "fireman" or "firemen" means an employee assigned to the fire department and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom or in support thereof and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such. On and after July 1, 1998, "fireman" or "firemen" means an employee assigned to the fire department whose principal duties are engagement in the fighting and extinguishment of fires and the protection of life and property therefrom and who is

specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such.

(12) Prior to July 1, 1998, "police," "policeman" or "policemen" means an employee assigned to the police department and engaged in the enforcement of law and maintenance of order within the state and its political subdivisions, including sheriffs and sheriffs' deputies, or in support thereof and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such. On and after July 1, 1998, "police," "policeman" or "policemen" means an employee assigned to the police department whose principal duties are engagement in the enforcement of law and maintenance of order within the state and its political subdivisions, including sheriffs and sheriffs' deputies; who has successfully completed the required course of instruction for law enforcement officers approved by the Kansas law enforcement training center and is certified pursuant to the provisions of K.S.A. 74-5607a, and amendments thereto; and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such. ~~Notwithstanding any other provisions of this subsection, "police," "policeman" or "policemen" shall include a city or county correctional officer who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such commencing on July 1, 1998, and ending on June 30, 1999. "Police," "policeman" or "policemen" who have been assigned to the police department, whose duties have included engagement in the enforcement of law and maintenance of order within the state and its political subdivisions, who have been certified pursuant to K.S.A. 74-5607a, and amendments thereto, who have been designated as "police," "policeman" or "policemen" as provided in this subsection and for whom required contributions have been made to the Kansas police and firemen's retirement system shall not be denied benefits due to a temporary or full-time assignment to a jail, adult detention center or other correctional facility by the state or any of its political subdivisions, and this provision shall be applied retroactively to July 1, 1999, to any member meeting such requirements as provided in this enactment.~~

(13) Except as otherwise defined in this act, words and phrases used in K.S.A. 74-4951 et seq., and amendments thereto, shall have the same meanings ascribed to them as are defined in K.S.A. 74-4902, and amendments thereto.

Sec. 2. K.S.A. 2014 Supp. 74-4952 is hereby repealed.

Sec. 3. 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 through 5; in line 6, by striking all before the period and inserting "concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; defining eligible employees as police; providing retroactive application; amending K.S.A. 2014 Supp. 74-4952 and repealing the existing section";

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

JEFF KING  
 JEFF LONGBINE  
 ANTHONY HENSLEY  
*Conferees on part of Senate*

STEVEN JOHNSON  
 KENT THOMPSON  
 ED TRIMMER  
*Conferees on part of House*

Senator King moved the Senate adopt the Conference Committee Report on **S Sub HB 2101**.

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

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

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2111** 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. 2014 Supp. 20-302b is hereby amended to read as follows: 20-302b. (a) Subject to assignment pursuant to K.S.A. 20-329, and amendments thereto, a district magistrate judge shall have the jurisdiction and power, in any case in which a violation of the laws of the state is charged, to conduct the trial of traffic infractions, violations of the wildlife, parks and tourism laws of this state or rules and regulations adopted thereunder, cigarette or tobacco infractions or misdemeanor charges, to conduct felony first appearance hearings and the preliminary examination of felony charges and to hear misdemeanor or felony arraignments. A district magistrate judge shall have jurisdiction over uncontested actions for divorce. Except as otherwise specifically provided in this section, in civil cases, a district magistrate judge shall have jurisdiction over actions filed under the code of civil procedure for limited actions, K.S.A. 61-2801 et seq., and amendments thereto, and all other civil cases, and shall have concurrent jurisdiction, powers and duties with a district judge. ~~Except as otherwise specifically provided in this subsection and subsection (b), in all other civil cases, a district magistrate judge shall have jurisdiction over any civil action not filed under the code of civil procedure for limited actions only with the consent of the parties. A district magistrate judge shall have jurisdiction over uncontested actions for divorce. Except with consent of the parties, or as otherwise specifically provided in this section, a district magistrate judge shall not have jurisdiction or cognizance over the following~~

actions:

(1) Any action, other than an action seeking judgment for an unsecured debt not sounding in tort and arising out of a contract for the provision of goods, services or money, in which the amount in controversy, exclusive of interests and costs, exceeds \$10,000. The provisions of this subsection shall not apply to actions filed under the code of civil procedure for limited actions, K.S.A. 61-2801 et seq., and amendments thereto. In actions of replevin, the affidavit in replevin or the verified petition fixing the value of the property shall govern the jurisdiction. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code or to issue support orders as provided by subsection (a)(6);

(2) actions against any officers of the state, or any subdivisions thereof, for misconduct in office;

(3) actions for specific performance of contracts for real estate;

(4) actions in which title to real estate is sought to be recovered or in which an interest in real estate, either legal or equitable, is sought to be established. Nothing in this paragraph shall be construed as limiting the right to bring an action for forcible detainer as provided in the acts contained in K.S.A. 61-3801 through 61-3808, and amendments thereto. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code;

(5) actions to foreclose real estate mortgages or to establish and foreclose liens on real estate as provided in the acts contained in article 11 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto;

(6) contested actions for divorce, separate maintenance or custody of minor children. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to: (A) Except as provided in subsection (e), hear any action pursuant to the Kansas code for care of children or the revised Kansas juvenile justice code; (B) establish, modify or enforce orders of support, including, but not limited to, orders of support pursuant to the Kansas parentage act, K.S.A. 2014 Supp. 23-2201 et seq., and amendments thereto, the uniform interstate family support act, K.S.A. 2014 Supp. 23-36,101 et seq., and amendments thereto, articles 29 or 30 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 39-709, 39-718b or 39-755 or K.S.A. 2014 Supp. 23-3101 through 23-3113, 38-2348, 38-2349 or 38-2350, and amendments thereto; or (C) enforce orders granting visitation rights or parenting time;

(7) habeas corpus;

(8) receiverships;

(9) declaratory judgments;

(10) mandamus and quo warranto;

(11) injunctions;

(12) class actions; and

(13) actions pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

(b) Notwithstanding the provisions of subsection (a), in the absence, disability or disqualification of a district judge, a district magistrate judge may:

(1) Grant a restraining order, as provided in K.S.A. 60-902, and amendments thereto;

(2) appoint a receiver, as provided in K.S.A. 60-1301, and amendments thereto; and

(3) make any order authorized by K.S.A. 23-2707, and amendments thereto.

(c) (1) ~~All actions or proceedings~~ Every action or proceeding before a district magistrate judge regularly admitted to practice law in Kansas shall be on the record if such ~~actions or proceedings~~ action or proceeding would be on the record before a district judge.

(2) In accordance with the limitations and procedures prescribed by law, and subject to any rules of the supreme court relating thereto, any appeal permitted to be taken from an order or final decision of a district magistrate judge: (A) who is not regularly admitted to practice law in Kansas shall be tried and determined de novo by a district judge, except that in civil cases where a record was made of the action or proceeding before the district magistrate judge, the appeal shall be tried and determined on the record by a district judge; and (B) who is regularly admitted to practice law in Kansas shall be to the court of appeals.

(d) Except as provided in subsection (e), upon motion of a party, the chief judge may reassign an action from a district magistrate judge to a district judge.

(e) Upon motion of a party ~~for the chief judge shall reassign~~ a petition or motion filed ~~under the Kansas code for care of children~~ requesting termination of parental rights pursuant to K.S.A. 2014 Supp. ~~38-2361 through 38-2367~~ 38-2266 and 38-2267, and amendments thereto, ~~the chief judge shall reassign such action~~ from a district magistrate judge to a district judge.

(f) This section shall apply to every action or proceeding on or after July 1, 2014, regardless of the date such action or proceeding was filed or commenced.

Sec. 2. K.S.A. 20-3127 is hereby amended to read as follows: 20-3127. (a) Except as provided further, all fees collected pursuant to K.S.A. 20-3126, and amendments thereto, shall be used to establish and maintain the county law library. A board of trustees, appointed as provided in this section, shall have the management and control of such library and shall use the fees paid for registration, and all other sums, books, or library materials or equipment donated or provided by law, for the purpose of establishing and maintaining such library in the county courthouse or other suitable place to be provided and maintained by the county commissioners of such county, including acquiring and maintaining materials and technology that may, at the discretion of the board of trustees, be loaned to library users for use outside the premises of the library. The district judge or district judges of the district court, members of the bar who have registered and paid the fee provided for in K.S.A. 20-3126, and amendments thereto, judges of all other courts in the county and county officials shall have the right to use the library in accordance with the rules and regulations established by the board of trustees. The board of trustees shall develop guidelines to provide members of the public reasonable access to the law library.

(b) The board of trustees of any law library established or governed under this act, and amendments thereto, in Johnson and Sedgwick counties shall consist of five members, two of which shall be judges of the district court, appointed by a consensus of all judges of the district court in those counties, and three of which shall be members of the Johnson or Sedgwick county bar association, appointed by selection of the county bar association pursuant to the Johnson or Sedgwick county bar association's bylaws for two-year terms. The board of trustees of the law library in all other counties shall consist of the district judge or judges of the district court presiding in such county and

not less than two attorneys who shall be elected for two-year terms by a majority of the attorneys residing in the county.

(c) The clerk of the district court of the county shall be treasurer of the library and shall safely keep the funds of such library and disburse them as the trustees shall direct. The clerk shall be liable on an official bond for any failure, refusal or neglect in performing such duties.

(d) The board of county commissioners of any county designated an urban area pursuant to K.S.A. 19-2654, and amendments thereto, wherein an election has been held to come under the provisions of this act is hereby authorized to appoint, by and with the advice and consent of the board of trustees of the law library of such county, a librarian, who shall act as custodian of the law library of such county and shall assist in the performance of the clerk's duties as treasurer thereof, and such assistants as are necessary to perform the duties of administering the law library. The librarian and any assistants so appointed shall be employees of the county under the supervision of the board of county commissioners, or the board's designated official, with the advice and recommendations of the board of trustees of the law library, and shall be subject to the personnel policies and procedures established by the board of county commissioners for all employees of the county. The librarian and any assistants shall receive as compensation such salaries and benefits as established by the law library board of trustees, subject to the approval of the board of county commissioners, which shall be payable from the general fund of the county, through the county payroll process, from funds budgeted and made available by the law library board of trustees for that purpose through the collection of fees or other funds authorized by this act.

(e) All attorneys registered under this act shall not be liable to pay any occupational tax or city license fees levied under the laws of this state by any municipality.

(f) (1) Except as provided by subsection (f)(2), the board of trustees of a county law library established pursuant to this section may authorize the chief judge of the judicial district to use fees collected pursuant to K.S.A. 20-3126, and amendments thereto, for the purpose of facilitating and enhancing functions of the district court of the county. No judge shall participate in any decision made by the board of trustees of a county law library pursuant to this paragraph to authorize the chief judge of the judicial district to use fees collected pursuant to K.S.A. 20-3126, and amendments thereto.

(2) The provisions of subsection (f)(1) shall not apply to the board of trustees of any law library established in Johnson and Sedgwick counties.";

Also, on page 1, following line 32, by inserting:

"Sec. 4. K.S.A. 2014 Supp. 60-2403 is hereby amended to read as follows: 60-2403. (a) (1) Except as provided in subsection (b) ~~or (d)~~, if a renewal affidavit is not filed or if execution, including any garnishment proceeding, support enforcement proceeding or proceeding in aid of execution, is not issued, within five years from the date of the entry of any judgment in any court of record in this state, including judgments in favor of the state or any municipality in the state, or within five years from the date of any order reviving the judgment or, if five years have intervened between the date of the last renewal affidavit filed or execution proceedings undertaken on the judgment and the time of filing another renewal affidavit or undertaking execution proceedings on it, the judgment, including court costs and fees therein shall become dormant, and shall cease to operate as a lien on the real estate of the judgment debtor. When a judgment becomes and remains dormant for a period of two years, it shall be

the duty of the judge to release the judgment of record when requested to do so.

(2) A "renewal affidavit" is a statement under oath, signed by the judgment creditor or the judgment creditor's attorney, filed in the proceedings in which the judgment was entered and stating the remaining balance due and unpaid on the judgment.

(3) A "support enforcement proceeding" means any civil proceeding to enforce any judgment for payment of child support or maintenance and includes, but is not limited to, any income withholding proceeding under the income withholding act, K.S.A. 2014 Supp. 23-3101 et seq., and amendments thereto, any contempt proceeding and any civil proceeding under the uniform interstate family support act, K.S.A. 2014 Supp. 23-36,101 et seq., and amendments thereto.

(b) Except for those judgments which have become void as of July 1, 2007, no judgment for the support of a child shall be or become dormant for any purpose except as provided in this subsection. Except for those judgments which have become void as of July 1, 2015, no judgment for court costs, fees, fines or restitution shall be or become dormant for any purpose except as provided in this subsection. If a judgment would have become dormant under the conditions set forth in subsection (a), the judgment shall cease to operate as a lien on the real estate of the judgment debtor as of the date the judgment would have become dormant, but the judgment shall not be released of record pursuant to subsection (a).

(c) The time within which action must be taken to prevent a judgment from becoming dormant does not run during any period in which the enforcement of the judgment by legal process is stayed or prohibited.

~~(d) If a renewal affidavit is not filed or if execution is not issued, within 10 years from the date of the entry of any judgment of restitution in any court of record in this state, the judgment, including court costs and fees therein shall become dormant, and shall cease to operate as a lien on the real estate of the judgment debtor. Except as provided in subsection (b), when a judgment becomes and remains dormant for a period of two years, it shall be the duty of the judge to release the judgment of record when requested to do so.~~

Sec. 5. K.S.A. 2014 Supp. 75-719 is hereby amended to read as follows: 75-719.

(a) ~~The attorney general~~ judicial administrator is authorized to enter into contracts in accordance with this section for collection services for debts owed to courts or restitution owed under an order of restitution. On and after July 1, 1999, the cost of collection shall be paid by the defendant as an additional court cost in all criminal, traffic and juvenile offender cases where the defendant fails to pay any amount ordered by the court and the court utilizes the services of a contracting agent pursuant to this section. The cost of collection shall be deemed an administrative fee to pay the actual costs of collection made necessary by the defendant's failure to pay court debt and restitution.

(b) As used in this section:

(1) "Beneficiary under an order of restitution" means the victim or victims of a crime to whom a district court has ordered restitution be paid;

(2) "contracting agent" means a person, firm, agency or other entity who contracts hereunder to provide collection services;

(3) "cost of collection" means the fee specified in contracts hereunder to be paid to or retained by a contracting agent for collection services. Cost of collection also includes any filing fee required under K.S.A. 60-4303, and amendments thereto, or

administrative costs prescribed by ~~the attorney general pursuant to rules and regulations~~ rules of the supreme court; and

(4) "debts owed to courts" means any assessment of court costs, fines, fees, moneys expended by the state in providing counsel and other defense services to indigent defendants or other charges which a district court judgment has ordered to be paid to the court, and which remain unpaid in whole or in part, and includes any interest or penalties on such unpaid amounts as provided for in the judgment or by law. "Debts owed to courts" also includes: (A) The cost of collection when collection services of a contracting agent hereunder are utilized; and (B) court costs, fines, fees or other charges arising from failure to comply with a traffic citation within 30 days from the date of the mailing of the notice pursuant to K.S.A. 8-2110(b)(1), and amendments thereto.

(c) (1) Contracts authorized by this section may be entered into with state or federal agencies or political subdivisions of the state of Kansas, including contracts for participation in the collection program authorized by K.S.A. 75-6201 et seq., and amendments thereto. Such contracts also may be entered into with private firms or individuals selected by a procurement negotiation committee in accordance with K.S.A. 75-37,102, and amendments thereto, except that ~~the attorney general~~ judicial administrator shall designate a representative to serve as the chief administrative officer member of such committee and that the other two members of such committee shall be designated by the director of purchases and the judicial administrator.

(2) Prior to negotiating any contract for collection services, this procurement negotiation committee shall advertise for proposals, negotiate with firms and individuals submitting proposals and select among those submitting such proposals the party or parties to contract with for the purpose of collection services.

(3) ~~The attorney general~~ supreme court may adopt ~~rules and regulations~~ as deemed appropriate for the administration of this section, including procedures to be used in the negotiation and execution of contracts pursuant to this section and procedures to be followed by those who utilize collection services under such contracts.

(4) For purposes of this section, the agencies, firms or individuals with whom contracts are entered under this section shall be known as contracting agents. ~~The attorney general~~ judicial administrator shall publish a list of the contracting agents for use by courts or beneficiaries under orders of restitution who desire to utilize the collection services of such agents.

(5) Each contract entered pursuant to this section shall provide for a fee to be paid to or retained by the contracting agent for collection services. Such fee shall be designated as the cost of collection hereunder, and shall not exceed 33% of the amount collected. The cost of collection shall be paid from the amount collected, but shall not be deducted from the debts owed to courts or restitution. If a contracting agent uses the debt setoff procedures pursuant to K.S.A. 75-6202 et seq., and amendments thereto, to recover debts owed to the courts, the contracting agent's cost of collection for debt recovered through that program shall be the amount established by contract minus the collection assistance fee imposed by the director of accounts and reports of the department of administration pursuant to K.S.A. 75-6210, and amendments thereto.

(d) Judicial districts of the state of Kansas are authorized to utilize the collection services of contracting agents pursuant to this section for the purpose of collecting all outstanding debts owed to courts. Subject to rules and orders of the Kansas supreme court, each judicial district may establish by local rule guidelines for the compromise of

court costs, fines, attorney fees and other charges assessed in district court cases.

(e) Any beneficiary under an order of restitution entered by a court after this section takes effect is authorized to utilize the collection services of contracting agents pursuant to this section for the purpose of collecting all outstanding amounts owed under such order of restitution.

(f) Contracts entered hereunder shall provide for the payment of any amounts collected to the clerk of the district court for the court in which the debt being collected originated, after first deducting the collection fee. In accounting for amounts collected from any person pursuant to this section, the district court clerk shall credit the person's amount owed in the amount of the net proceeds collected and shall not reduce the amount owed by any person by that portion of any payment which constitutes the cost of collection pursuant to this section.

(g) With the appropriate cost of collection paid to the contracting agent as agreed upon in the contract hereunder, the clerk shall then distribute amounts collected hereunder as follows:

(1) When collection services are utilized pursuant to subsection (d), all amounts shall be applied against the debts owed to the court as specified in the original judgment creating the debt;

(2) when collection services are utilized pursuant to subsection (e), all amounts shall be paid to the beneficiary under the order of restitution designated to receive such restitution, except where that beneficiary has received recovery from the Kansas crime victims compensation board and such board has subrogation rights pursuant to K.S.A. 74-7312, and amendments thereto, in which case all amounts shall be paid to the board until its subrogation lien is satisfied.

(h) Whenever collection services are being utilized against the same debtor pursuant to both subsections (d) and (e), any amounts collected by a contracting agent shall be first applied to satisfy subsection (e) debts, debts pursuant to an order of restitution. Upon satisfaction of all such debts, amounts received from the same debtor shall then be applied to satisfy subsection (d) debts, debts owed to courts.

Sec. 6. K.S.A. 2014 Supp. 75-6202 is hereby amended to read as follows: 75-6202. As used in this act:

(a) "Debtor" means any person who:

(1) Owes a debt to the state of Kansas or any state agency or any municipality;

(2) owes support to an individual, or an agency of another state, who is receiving assistance in collecting that support under K.S.A. 39-756 or K.S.A. 2014 Supp. 20-378, and amendments thereto, or under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended; or

(3) owes a debt to a foreign state agency.

(b) "Debt" means:

(1) Any liquidated sum due and owing to the state of Kansas, or any state agency, municipality or foreign state agency which has accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum. A debt shall not include special assessments except when the owner of the property assessed petitioned for the improvement and any successor in interest of such owner of property; or

(2) any amount of support due and owing an individual, or an agency of another state, who is receiving assistance in collecting that support under K.S.A. 39-756 or

K.S.A. 2014 Supp. 20-378, and amendments thereto, or under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, which amount shall be considered a debt due and owing the district court trustee or the Kansas department for children and families for the purposes of this act; or

(3) any assessment of court costs, fines, fees, moneys expended by the state in providing counsel and other defense services to indigent defendants or other charges which a district court judgment has ordered to be paid to the court and which remain unpaid in whole or in part, and includes any interest or penalties on such unpaid amounts as provided for in the judgment or by law. Such amount also includes the cost of collection when the collection services of a contracting agent are utilized.

(c) "Refund" means any amount of ~~Kansas~~ income tax refund due to any person as a result of an overpayment of tax, and for this purpose, a refund due to a husband and wife resulting from a joint return shall be considered to be separately owned by each individual in the proportion of each such spouse's contribution to income, as the term "contribution to income" is defined by rules and regulations of the secretary of revenue.

(d) "Net proceeds collected" means gross proceeds collected through final setoff against a debtor's earnings, refund or other payment due from the state or any state agency minus any collection assistance fee charged by the director of accounts and reports of the department of administration.

(e) "State agency" means any state office, officer, department, board, commission, institution, bureau, agency or authority or any division or unit thereof and any judicial district of this state or the clerk or clerks thereof. "State agency" also shall include any: (1) District court utilizing collection services pursuant to K.S.A. 75-719, and amendments thereto, to collect debts owed to such court; and (2) contracting agent, as defined in K.S.A. 75-719, and amendments thereto, with which a district court contracts to collect debts owed to such court. Such contracting agent may directly establish a debt setoff account with the director for the sole purpose of collecting debts owed to courts.

(f) "Person" means an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, corporation, other entity or a governmental agency, unit or subdivision.

(g) "Director" means the director of accounts and reports of the department of administration.

(h) "Municipality" means any municipality as defined by K.S.A. 75-1117, and amendments thereto.

(i) "Payor agency" means any state agency which holds money for, or owes money to, a debtor.

(j) "Foreign state or foreign state agency" means the states of Colorado, Missouri, Nebraska or Oklahoma or any agency of such states which has entered into a reciprocal agreement pursuant to K.S.A. 75-6215, and amendments thereto.

Sec. 7. K.S.A. 2014 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 and a reasonable collection assistance fee determined in accordance with K.S.A. 75-6210, and amendments thereto, against any money held for, or any money owed to, such debtor by the state or any state agency.

(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.

(c) (1) Except as provided in subsection (c)(2), the director shall add the cost of collection and the debt for a total amount subject to setoff against a debtor.

(2) Any debts due and owing to an individual, the state of Kansas or an agency of another state that are being enforced by the Kansas department for children and families under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, shall not have the cost of collection added to the debt owed and subject to setoff. Such cost of collection shall be paid by the Kansas department for children and families.

Sec. 8. K.S.A. 75-6209 is hereby amended to read as follows: 75-6209. (a) In accordance with the applicable times under K.S.A. 75-6208, and amendments thereto, the director shall complete the setoff by adding and retaining the collection assistance fee permitted by K.S.A. 75-6210, and amendments thereto, and transferring the net proceeds collected for credit or payment and by refunding any outstanding balance to the debtor.

(b) Upon completing the setoff, the director shall notify the debtor in writing of the action taken along with an accounting of the action taken. If there is an outstanding balance after setoff, the notice under this section shall accompany the balance when refunded.

(c) When a setoff is completed against earnings of an employee for any pay period and the setoff does not fully liquidate the debt due, further setoff in subsequent pay periods may be made without further certifications or notice to the debtor, except that the director shall notify the debtor in writing of the action taken and give an accounting thereof. The debtor may request an opportunity for hearing in regard to any further setoff in subsequent pay periods by making a written request therefor to the director. Any such request shall not stay future setoffs, but such hearing shall be held within a reasonable time, not to exceed 15 days after the request, unless a longer time has been agreed to by the debtor. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Orders resulting from hearings under this subsection shall not be subject to administrative review.

Sec. 9. K.S.A. 2014 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. Except as provided further, the director shall add the collection assistance fee to the debt after the debt is submitted to the director in accordance with K.S.A. 75-6206, and amendments thereto. Any debts due and owing to an individual, the state of Kansas or an agency of another state that are being enforced

by the Kansas department for children and families under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, shall not have the collection assistance fee added to the debt owed and subject to setoff, and such fee shall be paid by the Kansas department for children and families.

(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.";

Also on page 1, in line 33, before "K.S.A." by inserting "K.S.A. 20-3127 and 75-6209 and"; also in line 33, after "Supp." by inserting "20-302b,"; also in line 33, by striking "is" and inserting ", 60-2403, 75-719, 75-6202, 75-6204 and 75-6210 are"; in line 35, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in

lines 2; in line 3, by striking all before the period and inserting "courts; relating to district magistrate judge jurisdiction and power; county law libraries; code of civil procedure, items allowable as costs; court costs, fees, fines and restitution; debts owed to courts; amending K.S.A. 20-3127 and 75-6209 and K.S.A. 2014 Supp. 20-302b, 60-2003, 60-2403, 75-719, 75-6202, 75-6204 and 75-6210 and repealing the existing sections";

JEFF KING

GREG SMITH

DAVID HALEY

*Conferees on part of Senate*

JOHN BARKER

CHARLES MACHEERS

JOHN CARMICHAEL

*Conferees on part of House*

Senator King moved the Senate adopt the Conference Committee Report on **HB 2111**.

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

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

The Conference Committee Report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2225** 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. 2225, as follows:

On page 17, in line 2, by striking all after "medicine"; by striking all in line 3; in line 4, by striking "medicine";

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

MARY PILCHER-COOK

MICHAEL O'DONNELL

MARCI FRANCISCO

*Conferees on part of Senate*

DANIEL HAWKINS

SUSAN CONCANNON

JIM WARD

*Conferees on part of House*

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **S Sub HB 2225**.

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

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

The Conference Committee Report was adopted.

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Powell moved the Senate concur in House amendments to **H Sub SB 36**.

**H Sub SB 36**, AN ACT concerning the department of health and environment; creating the local conservation lending program.

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

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

Nays: Tyson.

The Senate concurred.

Senator Powell moved the Senate concur in House amendments to **SB 124**.

**SB 124**, AN ACT concerning the department of health and environment; relating to radioactive materials; by-product material; low-level radioactive waste; naturally occurring radioactive material; water and soil pollution; solid waste disposal; land-spreading of drilling waste; amending K.S.A. 48-1603 and 48-1620 and K.S.A. 2014 Supp. 65-171d and 65-3407c 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Tyson.

The Senate concurred.

Senator Powell moved the Senate concur in House amendments to **SB 156**.

**SB 156**, AN ACT concerning the department of agriculture; relating to water conservation areas; agricultural liming materials; the Arkansas river gaging fund; amending K.S.A. 2-2907 and K.S.A. 2014 Supp. 2-2903 and 74-5,133 and repealing the existing sections.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Senate concurred.

Senator Longbine moved the Senate concur in House amendments to **SB 240**.

**SB 240**, AN ACT concerning the banking code; relating to the state bank commissioner; amending K.S.A. 9-519, 9-520, 9-536, 9-542, 9-701, 9-801, 9-802, 9-803, 9-804, 9-806, 9-808, 9-809, 9-811, 9-812, 9-901a, 9-902, 9-903, 9-904, 9-905, 9-906, 9-907, 9-908, 9-909, 9-910, 9-911, 9-912, 9-1101a, 9-1102, 9-1107, 9-1111b, 9-1112, 9-1116, 9-1119, 9-1122, 9-1123, 9-1124, 9-1125, 9-1127a, 9-1127b, 9-1127c, 9-1130, 9-1132, 9-1133, 9-1137, 9-1138, 9-1201, 9-1204, 9-1205, 9-1207, 9-1213, 9-1214, 9-1301, 9-1304, 9-1403, 9-1405, 9-1501, 9-1502, 9-1503, 9-1504, 9-1505, 9-1506, 9-1602, 9-1603, 9-1604, 9-1607, 9-1609, 9-1611, 9-1612, 9-1701, 9-1708, 9-1709, 9-1712, 9-1714, 9-1715, 9-1716, 9-1717, 9-1719, 9-1720, 9-1724, 9-1807, 9-1901, 9-1902, 9-1902a, 9-1903, 9-1905, 9-1906, 9-1907, 9-1908, 9-1909, 9-1910, 9-1915, 9-1916, 9-2001, 9-2002, 9-2005, 9-2006, 9-2007, 9-2008, 9-2010, 9-2011, 9-2012, 9-2013, 9-2014, 9-2016, 9-2018, 9-2101, 9-2102, 9-2103 and 9-2104 and K.S.A. 2014 Supp. 9-532, 9-533, 9-534, 9-535, 9-1101, 9-1104, 9-1111, 9-1114, 9-1140, 9-1215, 9-1401, 9-1402, 9-1407, 9-1408, 9-1601, 9-1702, 9-1703, 9-1704, 9-1713, 9-1721, 9-1722, 9-1805, 9-2004, 9-2107, 9-2108, 9-2111, 39-709 and 44-314 and repealing the existing sections; also repealing K.S.A. 9-514, 9-515, 9-516, 9-517, 9-518, 9-523, 9-538, 9-539, 9-702, 9-703, 9-807, 9-810, 9-813, 9-1101b, 9-1103, 9-1105, 9-1106, 9-1108, 9-1109, 9-1110, 9-1111d, 9-1113, 9-1301a, 9-1507, 9-1605, 9-1606, 9-1608, 9-1610, 9-1705, 9-1710, 9-1711, 9-1718, 9-1723, 9-1802, 9-1803, 9-1808, 9-1904, 9-1912, 9-1914, 9-1914a, 9-2003, 9-2009, 9-2015, 9-2017 and 9-2105 and K.S.A. 2014 Supp. 9-805, 9-1118, 9-1135, 9-1139, 9-1216, 9-1303, 9-1706, 9-1707, 9-1801, 9-1804 and 9-2106.

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

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

The Senate concurred.

## CONSIDERATION OF APPOINTMENTS

*By the Governor*

On the appointment to the:

*Kansas Racing and Gaming Commission:*

Laura McConwell, term expires January 15, 2019

On roll call, the vote was: Yeas 18; Nays 19; Present and Passing 3; Absent or Not Voting 0.

Yeas: Bowers, Bruce, Denning, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, LaTurner, Longbine, McGinn, Pettey, Schmidt, Wolf.

Nays: Abrams, Arpke, Baumgardner, Donovan, Fitzgerald, Holmes, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Wilborn.

Present and Passing: Ostmeyer, Tyson, Wagle.  
The appointment was not confirmed.

#### EXPLANATION OF VOTE

Madam President: The responsibility of approving an appointment by the governor is one that we do not take lightly and so we must oppose this selection. As mayor of Mission, Laura McConwell publicly supported and pushed for an excise tax, known as the "driveway tax," that was forced on Mission real estate owners that was ruled to be illegal by the Kansas attorney general. The ordinance stipulated that churches, non-profits and charities typically exempt from property taxes under state law, would be charged a fee calculated by estimating the average number of trips vehicles make on and off a property. The advocacy for this tax after information was acquired about the illegality of the tax is an indication of poor judgment. We vote "No" on this appointment.—MARY PILCHER-COOK

Senators Abrams, Arpke, Baumgardner, Lynn, Melcher, Olson and Smith request the record to show they concur with the "Explanation of Vote" offered by Senator Pilcher-Cook on the appointment of Laura McConwell.

*By the Governor*

On the appointment to the:

*Kansas Highway Patrol:*

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Air National Guard:*

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Army National Guard:*

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Public Employees Retirement Board of Trustees:*

Chris Long, Term ends January 15, 2019

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

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Department of Health and Environment:*

Susan Mosier, At the pleasure of the governor

On roll call, the vote was: Yeas 33; Nays 4; Present and Passing 3; Absent or Not Voting 0.

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

Nays: Francisco, Hensley, Holland, Kelly.

Present and Passing: Faust-Goudeau, Haley, Pettey.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas State Banking Board:*

Casey Lair, term expires March 15, 2018.

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

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

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas State Banking Board:*

Linda Wessell, term expires March 15, 2018.

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

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

The appointment was confirmed.

## MESSAGES FROM THE GOVERNOR

**SB 43, SB 45** approved on April 2, 2015

## REPORTS OF STANDING COMMITTEES

Committee on **Utilities** recommends **HB 2233**, as further amended by House Committee, be amended on page 2, in line 11, after "efficiency" by inserting "improvements to any affected electric generating unit"; by striking all in lines 36 and 37; in line 38, by striking all before "that" and inserting "such standards through flexible regulatory mechanisms, including the averaging of emissions, emissions trading or other alternative implementation measures"; in line 39, by striking "shall"; by striking all in lines 40 through 42;

On page 3, in line 11, before the period by inserting "may enter into voluntary agreements with utilities that operate fossil-fuel based electric generating units within Kansas to implement such carbon dioxide emission standards. Such agreements may aggregate the carbon dioxide emissions levels from electric resources in this state, including coal, petroleum, natural gas or renewable energy resources as defined in K.S.A. 2014. 66-1257, and amendments thereto, that are owned, operated or utilized by power purchase agreements by utilities for purposes of determining compliance with such carbon dioxide emission standards";

Also on page 3, also in line 11, by striking "In order to"; by striking all in lines 12 through 40;

On page 4, by striking all in lines 10 through 25; in line 26, by striking all before the period and inserting:

"(d) The secretary and the state corporation commission shall enter into a memorandum of understanding concerning implementation of the requirements and responsibilities under the Kansas air quality act";

Also on page 4, in line 27, by striking "(f)" and inserting "(e) (1)"; also in line 27, by striking "and the state corporation commission";

On page 5, in line 2, by striking all after the first "the"; in line 3, by striking all before the colon and inserting "clean power plan implementation study committee"; in line 4, by striking "(1)" and inserting "(A)"; in line 5, by striking "and"; in line 6, by striking "(2)" and inserting "(B)"; in line 8, after "2016" by inserting "; and

(C) any information requested by the chairperson.

(2) The state corporation commission shall submit information to the clean power plan implementation study committee concerning:

(A) Each utility's re-dispatch options along with the cost of each option;

(B) the lowest possible cost re-dispatch options on a state-wide basis; and

(C) the impact of each re-dispatch option on the reliability of Kansas' integrated

electric systems";

Also on page 5, in line 9, by striking "interim or final"; in line 11, by striking all after "to"; by striking all in lines 12 through 13; in line 14, by striking all before "for" and inserting "the clean power plan implementation study committee"; also in line 14, after "input" by inserting "pursuant to section 2, and amendments thereto, at least 30 days"; in line 16, by striking all after the period; by striking all in lines 17 through 21; in line 22, by striking all before the period and inserting "If a proposed plan is disapproved by the clean power plan implementation study committee, the secretary shall resubmit a revised plan to the study committee. The secretary may submit any proposed plan to the environmental protection agency that has been submitted to the study committee and that has not been disapproved by the committee within 30 days of the committee receiving such proposed plan";

Also on page 5, in line 23, by striking all after "the"; in line 24, by striking all before "of" and inserting "clean power plan implementation study committee";

Also on page 5, following line 33, by inserting:

"(h) Notwithstanding any other provision of law, prior to submitting any state implementation plan to the environmental protection agency, the secretary shall: (1) Submit such state implementation plan as proposed rules and regulations pursuant to K.S.A. 77-415 et seq., and amendments thereto. Such submission shall be expedited by any agency reviewing such proposed rules and regulations pursuant to K.S.A. 77-415 et seq., and amendments thereto;

(2) request a review of the proposed state implementation plan by the office of the attorney general. The attorney general review may certify to the secretary that the plan will not hinder, undermine or in any way harm the position of the state of Kansas in any current or pending litigation relating to the environmental protection agency docket EPA-HQ-OAR-2013-0602. The attorney general shall also review the proposed state plan concerning any impacts on the protections guaranteed by the constitutions of the United States or the state of Kansas; and

(3) not submit a state implementation plan if the attorney general review indicates that the proposed plan would adversely impact the state's legal position in any current or pending litigation relating to the environmental protection agency docket EPA-HQ-OAR-2013-0602 or if the attorney general review indicates that the proposed state plan adversely impacts protections guaranteed by the constitutions of the United States or the state of Kansas.

(i) The secretary shall be responsible for submitting a state implementation plan to the environmental protection agency in a timely manner. Notwithstanding any other provision of this act, the secretary shall prepare and submit a state plan to the environmental protection agency four calendar days prior to the federal submission deadline established by the environmental protection agency if the secretary has previously submitted such plan for review by the clean power plan implementation study committee pursuant to this act.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 5, following line 35, by inserting:

"New Sec. 2. (a) (1) There is hereby established the clean power plan implementation study committee. The committee shall hold informational hearings and receive updates from the department of health and environment, the state corporation

commission and the attorney general about the implications of the adoption of a state implementation plan pursuant to docket EPA-HQ-OAR-2013-0602 concerning the impact to: (A) Electric ratepayers; (B) electric utilities; (C) the reliability of the electric grid in Kansas; and (D) the overall sovereignty of the state.

(2) Upon development of a state implementation plan pursuant to K.S.A. 2014 Supp. 65-3031, and amendments thereto, the secretary of health and environment shall submit the plan to the study committee for review. Within 30 days of receiving any proposed state implementation plan, the committee shall hold a committee meeting and review the impact of the plan pursuant to this section and may approve or disapprove the submission of the plan. If the study committee disapproves the submission of the plan, the committee shall provide the secretary the reasons for such disapproval.

(b) (1) The study committee shall be composed of 11 voting members. Five members shall be from the senate committee on utilities as follows: (A) The chairperson, vice-chairperson and ranking minority member; and (B) two members appointed by the president of the senate.

(2) Six members shall be from the house committee on energy and environment as follows: (A) The chairperson, vice-chairperson and ranking minority member; and (B) three members appointed by the speaker of the house of representatives.

(3) A quorum of the clean power plan implementation study committee shall be six members. All actions of the committee shall be taken by a majority of all of the members of the committee. Any vacancy in the membership of the committee shall be filled by appointment in the same manner prescribed by this section for the original appointment.

(c) Members shall be appointed to the study committee on or before July 1, 2015, for a term ending on June 30, 2017. On and after the first day of the regular legislative session in odd-numbered years, the chairperson of the study committee shall be the chairperson of the house committee on energy and environment and the vice-chairperson of the study committee shall be the chairperson of the senate committee on utilities and, after the first day of the regular legislative session in even-numbered years, the chairperson of the study committee shall be the chairperson of the senate committee on utilities and the vice-chairperson of the study committee shall be the chairperson of the house committee on energy and environment. The chairperson and vice-chairperson of the study committee shall serve in such capacities until the first day of the regular legislative session in the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. The first meeting of the study committee shall be called by the chairperson of the committee following the conclusion of the 2015 regular session of the Kansas legislature. The committee shall have the authority to meet at any time and at any place within the state on the call of the chairperson.

(d) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the clean power plan implementation study committee to the extent that the same do not conflict with the specific provisions of this act applicable to the study committee.

(e) Members of the clean power plan implementation study committee shall receive compensation, travel expenses and subsistence expenses as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of the committee.

(f) The staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the study committee.

(g) The provisions of this section shall expire on June 30, 2017.";

In the title, in line 3, after "standards" by inserting ", legislative review"; in line 4, before "amending" by inserting "creating the clean power plan implementation study committee;"

And by renumbering sections accordingly; and the bill be passed as amended.

### **ORIGINAL MOTION**

On motion of Senator Pyle, the Senate acceded to the request of the House for a conference on **HB 2003**.

The President appointed Senators Pyle, LaTurner and Faust-Goudeau as conferees on the part of the Senate.

### **MESSAGE FROM THE HOUSE**

The House concurs in Senate amendments to **S Sub HB 2258**.

The House nonconcur in Senate amendments to **HB 2003**, 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 2154**, requests a conference and has appointed Representatives Goico, Osterman and Lane as conferees on the part of the House.

The House adopts the Conference Committee report on **SB 154**.

The House adopts the Conference Committee report on **S Sub HB 2101**.

Announcing adoption of **HCR 5017**.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

**HCR 5017**, A CONCURRENT RESOLUTION amending 2015 House Concurrent Resolution No. 5016, relating to the adjournment of the senate and house of representatives for periods during the 2015 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Bruce, **HCR 5017** was adopted by voice vote.

### **REPORT ON ENROLLED BILLS**

**SR 1729**, **SR 1730** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 2, 2015.

### **TRIBUTES**

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of March 23 through April 2, 2015:

Senator Bowers: recognizing Aaron Schmidt, Alex Atchison, Dylan Bretton, and Tanner Shaffer on achieving the rank of Eagle Scout; congratulating Cooper Holmes on being named the Class 4A Division II Player of the Year; congratulating Stockton High School on receiving the state basketball Sportsmanship Award; congratulating Hanover High School on receiving the state basketball Sportsmanship Award; congratulating the St. John's Catholic High School Lady Bluejays on winning the 2015 Class 1A Division

II State Championship; congratulating Muriel Herpich on her 100th Birthday; congratulating Elda Chegwidan on her 100th Birthday; recognizing Marissa Morgan on earning the Girl Scout Gold Award;

Senator Faust-Goudeau: recognizing Literacy Day at the Capitol;

Senator Holmes: congratulating the St. John Boys Basketball Team on winning the 2015 State Championship;

Senator Kelly: congratulating Al and Marge Arnold on their 73rd Wedding Anniversary;

Senator King: congratulating Advanced Systems Homes on receiving the 2015 Existing Business of the Year Award;

Senator Masterson: recognizing and honoring the service of Kenneth Gile as Mayor of Benton;

Senator O'Donnell: congratulating and commending Nola Foulston on her work in the legal profession; recognizing the Guadalupe Health Foundation for their outstanding service to the community;

Senator Petersen: recognizing Caleb Jaqua on achieving the rank of Eagle Scout; recognizing Jaden Keith on achieving the rank of Eagle Scout; and

Senator Wilborn: congratulating the McPherson High School Boys Basketball Team on winning the 2015 State Championship.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, April 29, 2015.

# Journal of the Senate

FIFTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, April 29, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 38 senators present.

Senators Haley and McGinn were excused.

The President introduced guest Chaplain, Rev. Michael McCrick, Preaching Minister at First Christian Church, Plainville, Kansas, who delivered the invocation. He is a guest of Senator Bowers.

Blessed Lord and Almighty God. We ask that you watch over this Senate body and guide them in the important decisions they make for this state. We pray for their continued safety as they travel around Kansas listening and learning about the people and serving them. We thank you, Lord, for letting us live in a wonderful state and for the inalienable rights and freedoms we hold dear in this still great land. May we never take them for granted and may they always be protected. We humbly pray all these things to You, Everlasting Father, through your Son, Jesus Christ, in whom all our hope and future rests. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **SB 300**.

## MESSAGES FROM THE GOVERNOR

**SB 8, SB 76, SB 108, SB 120, SB 252** signed into law April 6, 2015.

**SB 95** approved on April 7, 2015.

## MESSAGE FROM THE GOVERNOR

### **H Sub SB 117 — Veto Message from the Governor**

While I appreciate the legislature's hard work on this legislation, I believe this bill is premature. To over-regulate or improperly regulate an emerging industry before the marketplace actors make proper arrangements is to invite more problems, not less.

Kansas should be known as a state that embraces economic growth and innovation. The jobs created by this new industry can bring opportunity to many Kansas families. An open and free marketplace often results in higher quality products at a more affordable price.

This will allow companies like Uber to continue and expand operations in Kansas, where they otherwise would not be able to do so.

I applaud the discussions that have taken place nationally between the emerging ride-sharing industry and insurance companies. Similar discussions now need to take place with the banking community, which understandably wants to ensure its financial interests are also protected.

I also applaud the legislature's interest in protecting the safety of our citizens. I strongly support background checks for ride-sharing drivers. However, the ride-sharing industry believes the background requirement as currently written, weakens rather than strengthens, the level of scrutiny placed on its potential drivers.

Therefore, I believe more time, more collaboration, and more discussion will ultimately result in a better public policy product for Kansas. In the meantime, local municipalities will regulate the ride-sharing industry just as they have always done with traditional passenger transportation companies. At this moment in time, they are better equipped to understand the unique and emerging challenges and opportunities the ride-sharing industry brings to their communities.

Though I am vetoing this bill, I am also calling upon ride-sharing companies, insurers, banks and credit unions, to work with our legislature to resolve their differences. These discussions have already begun among Uber and many major insurance companies. The same should begin with banks and credit unions. I look forward to reviewing a new bill that results from these conversations.

Pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto **House Substitute for Senate Bill 117**.

Dated: April 20, 2015

Signed: SAM BROWNBACK

*Governor of Kansas*

### **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 2154**.

### **ORIGINAL MOTION**

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **HB 2154**.

The President appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as conferees on the part of the Senate.

### **CHANGE OF CONFERENCE**

The President announced the appointment of Senator Hensley as a member of the Conference Committee on **S Sub Sub HB 2170** to replace Senator Pettey.

### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

## SENATE RESOLUTION No. 1731—

A RESOLUTION congratulating the Baldwin High School wrestling team on winning the 2015 Class 4A State Wrestling Championship.

WHEREAS, The Baldwin High School wrestling team won the 2015 Kansas State High School Activities Association Class 4A State Wrestling Championship held at the Bicentennial Center in Salina. Led by two individual champions, Baldwin won its first-ever state wrestling trophy. Baldwin scored 113 points, outscoring runner-up Chanute by eight points; and

WHEREAS, State medalists were:

152 pounds – Jon Pratt, first

138 pounds – Thomas Lisher, first

182 pounds – Joel Halford, third

160 pounds – Owen Tuckfield, third

195 pounds – Jake Katzer, fourth

106 pounds – Levi Green, fourth

170 pounds – Joel Katzer, sixth

Also competing at the state tournament were freshman T.J. Hopper at 113 pounds, junior Ben Morgenstern at 126 pounds and senior Gunther Wehrman at 220 pounds; and

WHEREAS, The head coach is Kit Harris and his assistant coaches are Kip Clark, Colby Soden and Nick Rockhold; 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 Baldwin High School wrestling team and Coach Harris be congratulated for winning the 2015 Kansas State High School Activities Association Class 4A State Wrestling Championship, and we extend our best wishes for their continued success and happiness; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1731** was adopted by voice vote.

Senators honored the guests with a standing ovation.

Senators Petersen, Abrams, Donovan, Faust-Goudeau, Kerschen, Masterson, McGinn, O'Donnell, Schmidt and Wagle introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1732—

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 2015; and

WHEREAS, This is the third consecutive state title the Wichita South High School women's basketball team has won. The women defeated the Maize South High School women's basketball team with a score of 56-48; and

WHEREAS, Members of this year's Wichita South High School women's basketball team include Kendrian Elliott, Krissandra Pollard, Trezure Jobe, Mauri Scales, Kyra Ivy, Ericka Mattingly, Destiny Pittman, Kyla Callins, Kirea Rogers, Patricee Dodson,

Sydni James and Deionne White. The team's cumulative GPA is 3.25. The team manager was Ogechi Odunze; 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 2015 class 6A state championship; and

WHEREAS, The Wichita South High School women's basketball team has an overall record of 85-13 in the past four seasons. Wichita South High School women's basketball program as a whole has been successful, with the Junior Varsity team, coached by Heidi Dreiling, holding a 57-3 record in three years and the C-team, coached by Wayne Riddle, holding a record of 60-0 in three seasons; and

WHEREAS, The mission for Wichita South only partially involves basketball. Although there has been great success on the basketball court, every senior has the opportunity to further their education at no additional cost. Basketball is the vehicle being used in developing these young ladies to understand the importance of education, team unity, hard work and dedication. These essential values will follow them for the rest of their lives: 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 shall send 20 enrolled copies of this resolution to Senator Petersen.

On emergency motion of Senator Petersen **SR 1732** was adopted by voice vote.

Senators honored the guests with a standing ovation.

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

SENATE RESOLUTION No. 1733—

A RESOLUTION congratulating the Hoxie High School women's basketball team on winning the 2015 Class 1A State Championship.

WHEREAS, The Hoxie High School women's basketball team won the 2015 Kansas State High School Activities Association Class 1A State Championship with a 67-53 victory over Centralia High School; and

WHEREAS, This is the Hoxie High School women's basketball team's fourth consecutive Class 1A State Championship title. For the third season in a row, the Hoxie team had a remarkable 26-0 record for the season. The team's last loss was in December 2011. Since then, Hoxie has won 95 consecutive games, breaking the previous state record held by Little River, which won 91 games in a row from 1995 to 1998; and

WHEREAS, This year, USA Today awarded the Hoxie High School women's basketball team the title of Best Girls Basketball Program as part of USA Today's High School Sports' "Best of" contest series. Hoxie finished with 210,934 votes, beating out Louisiana's Friendship Capitol and Oklahoma's Deer Creek; and

WHEREAS, The team's coach, Shelly Hoyt, along with assistant coach, Emily Bogue, worked diligently with this year's team, improving the team's skills and ultimately leading them to the 2015 Class 1A State Championship; and

WHEREAS, The members of the 2015 Hoxie High School women's basketball team were: Carly Heim, Lexi Schamberger, Terran Hoyt, Kelsey Geerdes, Serena McCown,

Lara Stephens, Brynn Niblock, Nicole Heim, Erin Carter, Lilly Schamberger, Brooke Dorenkamp and Rebekah Castle. The team managers were Maiah Castle, Katie Geerdes, Addi Campbell and Macy Schamberger: 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 fourth consecutive state championship title. These young women have worked hard throughout the season, and these state titles are testaments to that hard work; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1733** was adopted by voice vote. Senators honored the guests with a standing ovation.

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

SENATE RESOLUTION No. 1734—

A RESOLUTION congratulating the Sharon Springs-Wallace County High School boys' basketball team on winning the 2015 Class 1A Division II State Championship.

WHEREAS, Sharon Springs-Wallace County High School boys' basketball team won the 2015 Class 1A Division II State Championship with a 72-61 victory over St. John's Beloit-Tipton; and

WHEREAS, The state championship win is the boys' basketball team's first title since 1935 and second in program history; and

WHEREAS, The team's coach, Larry O'Connor, along with assistant coach, Laran Steele, worked diligently with this year's team, improving the team's skills and ultimately leading them to the 2015 Class 1A Division II State Championship; and

WHEREAS, The members of the Sharon Springs-Wallace County High School boys' basketball team were: Chad Martinek, Eric Gfeller, Luke Schemm, Cade Allen, Ivan Montes, Hardin Perry, Grady Hammer, Chisum Grund, Nate Klinge, Spencer Medina, Gabe Klinge and Carlin Springsteel. The team managers were Evin Bergquist, Trever Medina, Andrew Noone, Sammy Aquino and Chandler Gibbs: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate the Sharon Springs-Wallace County High School boys' basketball team on its state championship title. Their hard work and athletic ability are points of pride for their families, school and the community of Sharon Springs. We extend our best wishes for their continued success in the future; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1734** was adopted by voice vote.

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

SENATE RESOLUTION No. 1735—

A RESOLUTION congratulating the Norton Community High School wrestling team on winning the 2015 Class 3-2-1A State Wrestling Championship.

WHEREAS, The Norton Community High School wrestling team won the 2015 Kansas State High School Activities Association Class 3-2-1A State Wrestling

Championship held at Gross Memorial Coliseum in Hays. Norton scored 118.5 points, outscoring runner-up Hoisington by 14 points; and

WHEREAS, The 2015 Norton wrestlers added another chapter to their school's history of success in wrestling, as this is Norton's third consecutive championship win and the second time they have won three championships in a row; and

WHEREAS, State medalists were:

106 pounds – Ryan Johnson, second

113 pounds – Skylar Johnson, third

152 pounds – Mike Kasson, third

182 pounds – Gavin Lively, third

145 pounds – Jared Tallent, fourth

170 pounds – Kendall Miller, fourth

195 pounds – Jordan Dole, fifth

Also competing at the state tournament were sophomore Kade Unterseher at 120 pounds, junior Weston Erbert at 138 pounds and freshman Collyn Auker at 285 pounds; and

WHEREAS, The head coach is Bill Johnson and his assistant coaches are Eric Johnson, Shane Miller and Tony Fiscus. Team managers were Lindsay Addington and Macayla Kent; 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 we congratulate the Norton Community High School wrestling team and Coach Johnson for winning the 2015 Kansas State High School Activities Association Class 3-2-1A State Wrestling Championship, and we extend our best wishes for their continued success and happiness; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1735** was adopted by voice vote.

#### **REPORT ON ENROLLED BILLS**

**H Sub for SB 36; H Sub for SB 117; SB 124, SB 127, SB 156, SB 228, SB 240** reported correctly enrolled, properly signed and presented to the Governor on April 10, 2015.

#### **REPORT ON ENGROSSED BILLS**

**H Sub SB 36, H Sub SB 117; SB 124, SB 127, SB 156, SB 228, SB 240** reported correctly engrossed April 6, 2015.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, April 30, 2015.

# Journal of the Senate

FIFTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, April 30, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

The President introduced the new Senate Chaplain, Reverend Cecil T. Washington, Jr., of New Beginnings Church, Topeka, who delivered the invocation:

Gracious Father, As the Senate gathers today, and as I join them in prayer, we're praying that You would renew and refresh. Refresh each Senator and refresh their determination to make right decisions. Give them an unquenchable thirst to know Your will and Your way. And then Lord, satisfy that thirst by letting them drink from the principles of Your Holy Word. Your Word, through the writer of Proverbs, in 3:5-7, reassures that You will show us the right path to take and that we should always trust Your guidance rather than come to conclusions on our own. Lord, guide these Senators that the effectiveness of their service will enhance our Culture like salt and light. (Matthew 5:13-16) In the name of Jesus, we thank You Lord. Amen and Amen

The Pledge of Allegiance was led by President Susan Wagle.

## POINT OF PERSONAL PRIVILEGE

Senator Bowers rose on a Point of Personal Privilege to introduce two guests visiting the Capitol. Senator Diane Allen from New Jersey, who is the current board chair of the National Foundation for Women Legislators, and Jody Thomas. Senators welcomed the guests.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 301**, AN ACT reconciling amendments to certain statutes; amending K.S.A. 2014 Supp. 12-1744a, 12-4516, 12-4516a, 17-7673, 17-7674, 17-7677, 21-6604, 21-6614, 38-2310, 39-709, as amended by section 9 of 2015 Senate Substitute for House Bill No. 2258, 65-2895, 74-4911f, 74-4914d, as amended by section 2 of 2015 Senate Bill No. 228, 74-4920, as amended by section 3 of 2015 Senate Bill No. 228, 75-37,121, 76-1936, 79-1609 and 79-1703 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 38-2310, as amended by section 2 of chapter 131 of the 2014 Session Laws of Kansas and 65-2895, as amended by section 36 of chapter 131 of the 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 9-1111, as amended by section 8 of 2015 House Bill No. 2216, 9-1215, as amended by section 1 of 2015 Senate Substitute for House

Bill No. 2258, 9-1216, as amended by section 2 of 2015 Senate Substitute for House Bill No. 2258, 12-1744f, 12-4516b, 12-4516c, 17-7673a, 17-7674a, 17-7677a, 20-380a, 21-6604c, 21-6614e, 39-709, as amended by section 150 of 2015 Senate Bill No. 240, 74-4911j, 74-4914d, as amended by section 55 of 2015 House Substitute for Senate Bill No. 4, 74-4920, as amended by section 56 of 2015 House Substitute for Senate Bill No. 4, 74-99b34a, 75-37,121b, 76-1936a, 79-1609a and 79-1703a, by Committee on Ways and Means.

**SB 302**, AN ACT concerning taxation; levying a statewide excise tax on the ownership of real property for the purpose of school finance, by Committee on Assessment and Taxation.

#### MESSAGE FROM THE GOVERNOR

**SB 8, SB 76, SB 108, SB 120, SB 252** approved on April 6, 2015.

**H Sub SB 36; SB 124, SB 127, SB 156, SB 228, SB 240** approved on April 16, 2015.

#### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 52**.

The House adopts the Conference Committee report on **SB 189**.

The House adopts the Conference Committee report on **HB 2064**.

The House adopts the Conference Committee report on **S Sub HB 2225**.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1736—

A RESOLUTION congratulating the Erie High School Chess Team on winning the Kansas Scholastic State Chess Championship two years in a row.

WHEREAS, On March 14, 2015, the Erie High School Chess Team was named the K-12 Team State Champions in the Kansas Scholastic State Chess Championship for the second consecutive year; and

WHEREAS, Many studies have linked scholastic chess programs to the improvement of students' scores in reading and math, as well as improved self-esteem. Chess is a powerful cognitive learning tool that engages students of all learning styles and promotes problem-solving and higher-level thinking skills; and

WHEREAS, David Semrad was the coach of the Erie High School Chess Team and members of the team included: Colton Brown, James Burch, Collin Chaney, Cade Cooper, Colby Hines, Joseph Irelan, Kaden Milner, Cody Newberry, Kaden Ptasznik, Hunter Simoncic, Payton Semrad, Wyatt Semrad, Matthew Stein and Harmon Wolken: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate the Erie High School Chess Team on winning the Kansas Scholastic State Chess Championship two years in a row.

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator King.

On emergency motion of Senator King **SR 1736** was adopted by voice vote.

Senators honored the students and coach with a standing ovation.

Senators Lynn and Olson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1737—

A RESOLUTION congratulating and commending Vanya Shivashankar of Olathe, Kansas, for winning the national "Child Genius" competition.

WHEREAS, On February 24, 2015, the Lifetime television channel aired the final episode of its intelligence competition, "Child Genius," with Vanya Shivashankar, an eighth grade 4.0 Honor Roll student from California Trail Middle School, Olathe, Kansas, being the show's winner, receiving a \$100,000 college fund and the title "Child Genius 2014"; and

WHEREAS, "Child Genius" pitted 20 gifted American youth, ages eight through 12, against each other over an eight-week period by challenging them in a multitude of subjects, including zoology, logic, the human body, earth science, spelling, geography and memory, until the final round, in which the three remaining contestants had 10 minutes each to respond to 50 questions. Vanya placed first by correctly answering 30 questions, six more than the second place finisher; and

WHEREAS, Vanya had previously won the Mid-America Music Association Award for Exceptional Pianist; been a double bronze individual winner on the 2013 Science Olympiad Regional Championship team; placed second in the 2014-15 Martin Luther King, Jr. Essay Contest; and for the fourth time, on February 12, 2015, won the Olathe Spelling Bee, sending her to the Scripps National Spelling Bee finals this May to follow in the footsteps of her older sister, Kavya, who was national champion in 2009; and

WHEREAS, Vanya's parents, Sandy and Mirle Shivashankar, have given strong support, encouragement and inspiration to both of their daughters as the girls have worked hard to achieve their chosen goals, which in Vanya's case is to become a cardiac surgeon, but with a variety of other talents and interests, including playing piano and tuba, singing, dancing, acting, bike riding and swimming, as well as reading through her personal library of over 200 novels at least four times: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Vanya Shivashankar, her parents, her school and its Principal, Mrs. Connie Viebrock, for the remarkable accomplishment of Vanya's earning the title, "Child Genius 2014," such victory demonstrating that her prodigious intelligence is surpassed only by her high levels of motivation and self-discipline. We wish her all the best for continued success in the National Spelling Bee next month and all future academic, personal and career challenges as she further develops and applies her amazing gifts; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Lynn.

On emergency motion of Senator Lynn **SR 1737** was adopted by voice vote.

Senators honored Vanya with a standing ovation.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **HB 2013**.

The House adopts the Conference Committee report on **HB 2044**.

The House adopts the Conference Committee report on **S Sub HB 2090**.

The House adopts the Conference Committee report on **HB 2111**.

The House concurs in Senate amendments to **HB 2231**, and requests return of the bill.

The House announced the appointment of Reps. Barker, Macheers and Carmichael to replace Reps. Schwartz, Boldra and Victors as conferees on **S Sub HB 2177**.

**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 154; HB 2051, HB 2061**.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 154** submits the following report:

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

On page 53, by striking all in lines 42 and 43;

By striking all on pages 54 through 63;

On page 64, by striking all in lines 1 through 3; in line 5, by striking ", 44-717";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking all after "44-714"; in line 5, by striking "717";

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

MARK HUTTON

LES MASON

*Conferees on part of House*

JULIA LYNN

SUSAN WAGLE

*Conferees on part of Senate*

Senator Lynn moved the Senate adopt the Conference Committee Report on **SB 154**.

Senator Holland offered a substitute motion to not adopt the Conference Committee Report and return the bill to conference.

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

On roll call, the vote was: Yeas 10; Nays 29; Present and Passing 0; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt.

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

Wilborn, Wolf.

Absent or Not Voting: Petersen.

The substitute motion failed.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Petersen, Pettey, Schmidt.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2051** submits the following report:

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

On page 3, by striking all in lines 25 through 30;

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

GREG SMITH  
FORREST KNOX  
PAT PETTEY

*Conferees on part of Senate*

JOHN RUBIN  
RAMON GONZALEZ  
DENNIS HIGHBERGER

*Conferees on part of House*

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2051**.

Senator O'Donnell offered a substitute motion to not adopt the Conference Committee Report and return the bill to conference.

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

On roll call, the vote was: Yeas 20; Nays 20; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Bowers, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kerschen, LaTurner, Love, Masterson, Melcher, O'Donnell, Petersen, Pilcher-Cook, Powell, Schmidt, Tyson, Wagle, Wolf.

Nays: Abrams, Arpke, Bruce, Denning, Donovan, Fitzgerald, Hawk, Holmes, Kelly, King, Knox, Longbine, Lynn, McGinn, Olson, Ostmeyer, Pettey, Pyle, Smith, Wilborn.

The substitute motion failed.

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

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

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2061** 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 4, in line 4, after the third comma by inserting "on behalf of watershed districts"; in line 10, after "easements" by inserting "held on behalf of watershed districts"; in line 15, by striking "conservation" and inserting "compensatory mitigation"; in line 17, by striking the first "conservation" and inserting "compensatory mitigation"; in line 18, by striking "conservation" and inserting "compensatory mitigation"; in line 26, by striking "conservation" and inserting "compensatory mitigation"; in line 35, after "easements" by inserting "on behalf of watershed districts"; in line 37, by striking "conservation" and inserting "compensatory mitigation"; in line 38, after "easements" by inserting "on behalf of watershed districts";

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

GARRETT LOVE

DAN KERSCHEN

MARCI FRANCISCO

*Conferees on part of Senate*

SHARON SCHWARTZ

SUE BOLDRA

PONKA-WE VICTORS

*Conferees on part of House*

Senator Kerschen moved the Senate adopt the Conference Committee Report on **HB 2061**.

On roll call, the vote was: Yeas 21; Nays 18; Present and Passing 1; Absent or Not Voting 0.

Yeas: Bowers, Bruce, Denning, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, McGinn, Pettey, Schmidt, Wilborn, Wolf.

Nays: Abrams, Arpke, Baumgardner, Fitzgerald, Holmes, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Present and Passing: Donovan.

The Conference Committee Report was adopted.

**REPORTS OF STANDING COMMITTEES**

Committee on **Federal and State Affairs** begs leave to submit the following report:

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

By the Governor:

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

Roman Rodriguez, to fill a term expiring on January 15, 2016

Committee on **Ways and Means** recommends **SB 293; HB 2268** be passed.

Also, **HB 2395**, as amended by House Committee, be amended on page 1, in line 14, after "1,000,000" by inserting "when architectural services are desired for the project or to exceed \$675,000 when engineering services or land surveying services are desired for the project"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, May 1, 2015.

# Journal of the Senate

FIFTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, May 1, 2015, 8:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 27 senators present.

Senators Denning, Donovan, Holmes, King, LaTurner, Longbine, Love, Masterson, Melcher, O'Donnell, Pettey, Smith and Wolf were excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father,

The men and women of this Senate are strong, gifted and influential but we desire that You even increase their influence. Give them an even stronger influence today...that the power of right and righteousness would permeate this body for the good of the state and the good of the country. When we see the growing turmoil and disruption across this nation, we're grateful for how You've kept Your hand on Kansas. But Lord, we need You to bless us even more. There's an environment...an atmosphere that You've promised to bless. You said in Ecclesiastes 4:9-12 that two are better than one and a cord of three strands is not easily broken. So Lord, please stimulate an environment of unity in this body that the "together power" of synergy will be manifest. Let each man and woman in this body begin to experience, in fresh, new and exciting ways, the synergistic power of being united; a power that could only come from You as they come together and strive for harmony (Ephesians 4:3). As their strengths, gifts and abilities come together in support of one another, may their power of influence increase and abound. In retrospect, let the citizens of this state, one day declare "what a blessing it was to have had them serve." Thank You Lord, for hearing our prayer. In the Name of Jesus. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## POINT OF PERSONAL PRIVILEGE

President Wagle introduced Senator Phil Nicholas, President of the Wyoming Senate, and his wife Karen. They are visiting the Statehouse in advance of a renovation of the Wyoming Capitol.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 302**.

Ways and Means: **SB 301**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

**SENATE RESOLUTION No. 1738—**

A RESOLUTION congratulating and commending 50 years of accreditation for the University of Kansas' graduate programs in speech, language and hearing.

WHEREAS, The State of Kansas is committed to the quality of its institutions of higher education and the academic programs in which students learn and evolve to support the needs of its citizens and community; and

WHEREAS, An estimated 40 million Americans have some type of communication disorder, costing the United States approximately \$154 to \$186 billion annually in lost work productivity, special education and medical treatment; and

WHEREAS, Each day audiologists and speech-language pathologists diagnose, treat and prevent speech, language and hearing disorders, thereby helping citizens lead full and productive lives; and

WHEREAS, For more than five decades, the academic accreditation program, which was launched by the American Speech-Language-Hearing Association (ASHA) and is currently administered by the Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA), has supported and strengthened entry-level graduate education in audiology and speech-language pathology by establishing and renewing standards, engaging in peer review and supporting continuous quality improvement of the programs it accredits; and

WHEREAS, The University of Kansas was one of the first universities to recognize the value of accreditation for its graduate programs as part of its role in preparing professionals to meet the needs of the state and the global community. The University's graduate education programs in audiology and in speech-language pathology have been continuously accredited since May 1965: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend 50 years of accreditation for the University of Kansas' graduate programs in speech, language and hearing; and

*Be it further resolved:* That we salute the University of Kansas and the dedicated audiologists and speech-language pathologists who are alumni of the master's program in speech-language pathology, the master's program in audiology and the clinical doctoral program in audiology for their commitment to bringing better speech, language and hearing to individuals affected by communication disorders; and

*Be it further resolved:* That the Secretary of the Senate shall send 10 enrolled copies of this resolution to Senator Francisco.

On emergency motion of Senator Francisco **SR 1738** was adopted by voice vote.

Guests introduced were: Dr. Holly Storkel, Dr. John Ferraro, Dr. Richard Schiefelbusch, Dr. Jane Wegner, Dr. Susan Jackson, Kris Pedersen, Betty Bunce, Severena Popejoy and Kelsey McCoy.

Senators honored the guests with a standing ovation.

**TRIBUTES**

The Committee on Organization, Calendar and Rules authorizes the following tributes for the week of April 29 through May 1, 2015:

Senator Faust-Goudeau: commending Woman to Woman Ministries on its service to Wichita and the State of Kansas; congratulating and commending New Jerusalem Baptist Church and Pastor T. L. Wade on their service to Wichita and the State of Kansas;

Senator Kelly: congratulating Richard and Cheryl Carlson on their 50th Wedding Anniversary; and

Senator Ostmeyer: congratulating the Hoxie Lady Indians on winning the 2015 Class 1A State championship.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Monday, May 4, 2015.

# Journal of the Senate

## FIFTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, May 4, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, Thanks for the start of a new day...a new week...a new month. Thanks for Your consistent faithfulness toward us. Yet Lord, there are certain ways in which we really need Your help. There are some things to which we are blind; things for which we need Your insight. Your Holy Word records in Mark 10:46-52, and again in Luke 18:35-43, how a certain blind man cried out to You and You opened his eyes. As we cry out to You today, would You do it again and open our eyes? Help us see how to be better; ...better men and women, in demonstrating Your Lordship. ...better husbands and wives, in replicating Your love ...better fathers and mothers, better sisters and brothers. Lord, show us how to be better servants to the people. To the glory of Your presence in this place and in these people; to the honor of Your precious name, Thank You for hearing this prayer. And we praise You for the results. In the Name of Jesus. Amen

The Pledge of Allegiance was led by President Susan Wagle.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

### INTRODUCTION OF BILLS

The following bill was introduced and read by title:

**SB 303**, AN ACT concerning insurance; relating to coverage for autism spectrum disorder; amending K.S.A. 2014 Supp. 40-2,194 and repealing the existing section, by Committee on Ways and Means.

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Kelly and Longbine introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1739—

A RESOLUTION commemorating the 100<sup>th</sup> anniversary of  
Wamego Health Center in Wamego, Kansas.

WHEREAS, Wamego City Hospital was established in 1915 at the remodeled home of Dr. Simonton at 1010 West Sixth Street; and

WHEREAS, J. T. Genn made a proposition to the city in 1919 to give \$10,000 for a new hospital if the city would raise a like sum and donate the real estate; and

WHEREAS, In 1921, Genn Hospital located at Sixth and Spruce was completed at a cost of \$25,000; and

WHEREAS, In January 1925, Genn Hospital was deeded to the Board of Trustees of the hospital and the management and control was vested in them; and

WHEREAS, All physicians were made to feel that Genn Hospital was their hospital. Physicians and surgeons from neighboring communities preferred to practice medicine at Genn Hospital because they considered the conditions more favorable for the progress of their patients; and

WHEREAS, In 1960, new plans were made to build a larger, more modern hospital; and

WHEREAS, In May 1969, Wamego City Hospital was dedicated and opened for service to the community. There were 26 beds, four bassinets and about 60 employees; and

WHEREAS, In 1987, an outpatient clinic with 12 exam rooms was attached to the hospital. A lower level for future expansion was also constructed. The lower level was converted to the Physical Therapy Department and a Community Fitness Center; and

WHEREAS, In 2004, the fitness center was condensed and renovations were made to accommodate the Heritage Health Program for Seniors; and

WHEREAS, The expansion of the emergency room took place in 2000. The ER was located to the northeast corner of the complex and housed a two-bed emergency room; and

WHEREAS, In 2001, a new metal building was constructed adjacent to the west side of the hospital. This building became home to the laundry facilities, materials management and Pottawatomie County EMS garages and sleep quarters; and

WHEREAS, In 2001, Wamego City Hospital underwent a transfer of operations to the Wamego Hospital Association, a newly formed partnership between the City of Wamego, Mercy Regional Health Center in Manhattan and Via Christi Health Systems; and

WHEREAS, Construction on the new kitchen and dining room began in 2006. In 2007, the new kitchen and dining room opened. This created space for four new semi-private patient rooms; and

WHEREAS, In 2010, 2011 and 2012, Wamego City Hospital was named Modern Healthcare Magazine's best place to work; and

WHEREAS, In 2012, Wamego City Hospital received the Excellence in Patient Care Award during the Studor Group's "What's Right in Healthcare Conference"; and

WHEREAS, In 2013, Wamego City Hospital changed their name to Wamego Health Center; and

WHEREAS, In 2013, Wamego Health Center was named the 2013 Guardian of Excellence award winner by Press Ganey Associates: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commend and celebrate the 100<sup>th</sup> anniversary of Wamego Health Center. Wamego Health Center provides patients with incredible service and we urge all Kansans to celebrate its success; and

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

On emergency motion of Senator Kelly **SR 1739** was adopted by voice vote.

Guests introduced were Shannan Flach, Deb Kiker, Kristen Cottam, Dr. William Ditto, Dwight Faulkner, Merl Page and Kerry Whearty.

Senators honored the guests with a standing ovation.

### ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub HB 2042, S Sub HB 2043, S Sub HB 2149, S Sub HB 2155; HB 2165.**

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2042** 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. 2042, as follows:

On page 2, in line 26, after the first "representatives" by inserting ", one of whom shall be a member of the house committee on appropriations"; in line 28, before the period by inserting ", one of whom shall be a member of the senate committee on ways and means";

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

MARY PILCHER-COOK

MICHAEL O'DONNELL

*Conferees on part of Senate*

DANIEL HAWKINS

SUSAN CONCANNON

*Conferees on part of House*

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **S Sub HB 2042.**

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt.

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 15, by striking all in lines 27 through 43;

By striking all on pages 16 through 24;

On page 25, by striking all in lines 37 through 43;

By striking all on page 26;

On page 27, by striking all in lines 1 through 40;

On page 29, by striking all in lines 8 through 43;

On page 30, by striking all in lines 1 through 3; by striking all in lines 18 through 43;

On page 31, by striking all in lines 1 through 27;

On page 33, by striking all in lines 29 through 43;

By striking all on pages 34 through 36;

On page 37, by striking all in lines 1 through 34; following line 43, by inserting:

"Sec. 10. K.S.A. 2014 Supp. 39-923 is hereby amended to read as follows: 39-923.

(a) As used in this act:

(1) "Adult care home" means any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, home plus, boarding care home and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services.

(2) "Nursing facility" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

(3) "Nursing facility for mental health" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

(4) "Intermediate care facility for people with intellectual disability" means any place or facility operating 24 hours a day, seven days a week, caring for four or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments caused by intellectual disability or related conditions, need services to compensate for activities of daily living limitations.

(5) "Assisted living facility" means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided

on an intermittent or limited term basis, or if limited in scope, a regular basis.

(6) "Residential health care facility" means any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes individual living units and provides or coordinates personal care or supervised nursing care available on a 24-hour, seven-days-a-week basis for the support of resident independence. The provision of skilled nursing procedures to a resident in a residential health care facility is not prohibited by this act. Generally, the skilled services provided in a residential health care facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(7) "Home plus" means any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary for children and families, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to residents shall be determined by preparation of the staff and rules and regulations developed by the Kansas department for aging and disability services. An adult care home may convert a portion of one wing of the facility to a not less than five-bed and not more than 12-bed home plus facility provided that the home plus facility remains separate from the adult care home, and each facility must remain contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents' needs in order to maintain the current level of nursing care standards. Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

(8) "Boarding care home" means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) "Adult day care" means any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

(10) "Place or facility" means a building or any one or more complete floors of a building, or any one or more complete wings of a building, or any one or more complete wings and one or more complete floors of a building, and the term "place or facility" may include multiple buildings.

(11) "Skilled nursing care" means services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions which require substantial nursing judgment and skill based on the knowledge and application of scientific principles.

(12) "Supervised nursing care" means services provided by or under the guidance of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures; administration of medications and treatments as prescribed by a licensed physician or dentist and assistance of residents with the performance of activities of daily living.

(13) "Resident" means all individuals kept, cared for, treated, boarded or otherwise accommodated in any adult care home.

(14) "Person" means any individual, firm, partnership, corporation, company, association or joint-stock association, and the legal successor thereof.

(15) "Operate an adult care home" means to own, lease, establish, maintain, conduct the affairs of or manage an adult care home, except that for the purposes of this definition the word "own" and the word "lease" shall not include hospital districts, cities and counties which hold title to an adult care home purchased or constructed through the sale of bonds.

(16) "Licensing agency" means the secretary for aging and disability services.

(17) "Skilled nursing home" means a nursing facility.

(18) "Intermediate nursing care home" means a nursing facility.

(19) "Apartment" means a private unit which includes, but is not limited to, a toilet room with bathing facilities, a kitchen, sleeping, living and storage area and a lockable door.

(20) "Individual living unit" means a private unit which includes, but is not limited to, a toilet room with bathing facilities, sleeping, living and storage area and a lockable door.

(21) "Operator" means an individual registered pursuant to the operator registration act, K.S.A. 2014 Supp. 39-973 et seq., and amendments thereto, who may be appointed by a licensee to have the authority and responsibility to oversee an assisted living facility or residential health care facility with fewer than 61 residents, a home plus or adult day care facility.

(22) "Activities of daily living" means those personal, functional activities required by an individual for continued well-being, including, but not limited to, eating, nutrition, dressing, personal hygiene, mobility and toileting.

(23) "Personal care" means care provided by staff to assist an individual with, or to perform activities of daily living.

(24) "Functional impairment" means an individual has experienced a decline in physical, mental and psychosocial well-being and as a result, is unable to compensate for the effects of the decline.

(25) "Kitchen" means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(26) The term "intermediate personal care home" for purposes of those individuals applying for or receiving veterans' benefits means residential health care facility.

(27) "Paid nutrition assistant" means an individual who is paid to feed residents of an adult care home, or who is used under an arrangement with another agency or organization, who is trained by a person meeting nurse aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42 C.F.R. § 483.160 and ~~paragraph (h) of 42 C.F.R. § 483.35(h)~~, and who provides such assistance under the supervision of a registered professional or licensed practical nurse.

(28) "Medicaid program" means the Kansas program of medical assistance for

which federal or state moneys, or any combination thereof, are expended, or any successor federal or state, or both, health insurance program or waiver granted thereunder.

(29) "Licensee" means any person or persons acting jointly or severally who are licensed by the secretary for aging and disability services pursuant to the adult care home licensure act, K.S.A. 39-923 et seq., and amendments thereto.

(b) The term "adult care home" shall not include institutions operated by federal or state governments, except institutions operated by the director of the Kansas commission on veterans affairs office, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices which are certified to participate in the medicare program under 42 code of federal regulations, chapter IV, ~~section~~ § 418.1 et seq., and amendments thereto, and which provide services only to hospice patients, or centers approved by the centers for medicare and medicaid services as a program for all-inclusive care for the elderly (PACE) under 42 code of federal regulations, chapter IV, part 460 et seq., and amendments thereto, which provides services only to PACE participants.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential health care facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(d) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed facilities until the annual renewal date of such license and may renew such license in the appropriate licensure category under the adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

(e) Nursing facilities with less than 60 beds converting a portion of the facility to residential health care shall have the option of licensing for residential health care for less than six individuals but not less than 10% of the total bed count within a contiguous portion of the facility.

(f) The licensing agency may by rule and regulation change the name of the different classes of homes when necessary to avoid confusion in terminology and the agency may further amend, substitute, change and in a manner consistent with the definitions established in this section, further define and identify the specific acts and services which shall fall within the respective categories of facilities so long as the above categories for adult care homes are used as guidelines to define and identify the specific acts.";

On page 38, in line 1, by striking ", 75-5309, 75-5364, 76-157, 76-158"; in line 2, by striking all after "8-1025,"; in line 3, by striking "38-2212, 39-1702, 40-4702" and inserting "39-923"; also in line 3, by striking "65-689; also in line 3, by striking "75-7d01, 75-"; in line 4, by striking all before "are" and inserting "75-53,105 and 75-6524";

Also on page 38, in line 6, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "secretaries for children and families and" and inserting "secretary"; in line 2, by striking the colon and inserting "; relating to programs for all-inclusive care for the elderly,"; in line 3, by striking ", 75-5309, 75-5364, 76-157, 76-158"; in line 4, by striking all after "8-1025,"; in line 5, by striking "1702, 40-4702" and inserting "39-923,"; also in line 5, by striking "65-689," also in line 5, by striking all after "65-6233,"; in line 6, by striking all before the second "and" and

inserting "75-53,105 and 75-6524";

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

MARY PILCHER-COOK

MICHAEL O'DONNELL

LAURA KELLY

*Conferees on part of Senate*

DANIEL HAWKINS

SUSAN CONCANNON

JIM WARD

*Conferees on part of House*

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **S Sub HB 2043**.

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

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

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2149** 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 4, in line 38, by striking all after "environment"; in line 39, by striking "regulations"; in line 42, after "the" by inserting "medicaid";

On page 5, in line 16, after "the" by inserting "medicaid"; in line 17, by striking "(c)" and inserting "(b)"; in line 25, after the first "the" by inserting "medicaid"; in line 26, after "The" by inserting "medicaid"; in line 29, after "The" by inserting "medicaid"; in line 34, after "the" by inserting "medicaid"; in line 38, after "the" by inserting "medicaid"; in line 41, after the second "the" by inserting "medicaid"; in line 43, after "the" by inserting "medicaid";

On page 6, in line 13, by striking "pharmacy" and inserting "pharmacists";

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

MARY PILCHER-COOK

MICHAEL O'DONNELL

*Conferees on part of Senate*

DANIEL HAWKINS

SUSAN CONCANNON

*Conferees on part of House*

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **S Sub HB 2149**.

The Subcommittee on Rules convened to determine whether the content of the conference committee report on **S Sub HB 2149** violated Joint Rules. Following its discussion, the Subcommittee determined that the content of the conference committee report was in compliance with Joint Rule 3.

On roll call, the vote was: Yeas 31; Nays 6; Present and Passing 3; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Haley, Hensley, Holland, Kelly, Tyson.

Present and Passing: Francisco, Hawk, Pettey.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2155** 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 with Senate Committee of the Whole amendments (Corrected), as follows:

On page 7, in line 1, by striking all after "officials"; in line 2, by striking all before the colon;

On page 8, in line 28, by striking "calendar" and inserting "fiscal";

On page 12, in line 9, by striking "calendar" and inserting "fiscal";

On page 14, in line 22, by striking "calendar" and inserting "fiscal";

On page 26, by striking all in lines 15 through 43;

By striking all on pages 27 through 29;

On page 30, by striking all in lines 1 through 19;

On page 32, following line 5, by inserting:

"Sec. 23. K.S.A. 74-8720 is hereby amended to read as follows: 74-8720. (a) As nearly as practical, an amount equal to not less than 45% of the total sales of lottery tickets or shares, computed on an annual basis, shall be allocated for payment of lottery prizes.

(b) The prize to be paid or awarded for each winning ticket or share shall be paid to one natural person who is adjudged by the executive director, the director's designee or the retailer paying the prize, to be the holder of such winning ticket or share, or the person designated in writing by the holder of the winning ticket or share on a form satisfactory to the executive director, except that the prize of a deceased winner shall be paid to the duly appointed representative of the estate of such winner or to such other person or persons appearing to be legally entitled thereto.

(c) The executive director shall award the designated prize to the holder of the ticket or share upon the validation of a claim or confirmation of a winning share. The executive director shall have the authority to make payment for prizes by any means deemed appropriate upon the validation of winning tickets or shares.

(d) The right of a person to a prize drawn or awarded is not assignable.

~~(e)~~ (e) No person under 18 years of age shall be eligible to claim a lottery prize.

~~(f)~~ (f) All prizes awarded shall be taxed as Kansas source income and shall be subject to all state and federal income tax laws and rules and regulations. State income taxes shall be withheld from prizes paid whenever federal income taxes are required to be withheld under current federal law.

~~(g)~~ (g) Unclaimed prize money not payable directly by lottery retailers shall be retained for the period established by rules and regulations and if no claim is made within such period, then such unclaimed prize money shall be added to the prize pools of subsequent lottery games.

~~(h)~~ (h) The state of Kansas, members of the commission and employees of the Kansas lottery shall be discharged of all further liability upon payment of a prize pursuant to this section.

~~(i)~~ (i) The Kansas lottery shall not publicly disclose the identity of any person awarded a prize except upon written authorization of such person.";

Also on page 32, in line 6, after "74-8718" by inserting ", 74-8720"; in line 7, by striking ", 74-8702";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "and" and inserting a comma; also in line 3, after "74-8718" by inserting "and 74-8720"; in line 4, by striking ", 74-8702";

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

RALPH OSTMEYER

JAKE LATURNER

OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

STEVEN BRUNK

TRAVIS COUTURE-LOVELADY

ANNIE TIETZE

*Conferees on part of House*

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **S Sub HB 2155**.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, 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, Schmidt, Smith, Tyson, Wilborn, Wolf.

Nays: Francisco.

Present and Passing: Baumgardner, Wagle.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2165** 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 4, by striking "\$2,500" and inserting "\$15,000"; following line 6, by inserting:

"Sec. 4. K.S.A. 2014 Supp. 12-520 is hereby amended to read as follows: 12-520.

(a) Except as hereinafter provided, the governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

(1) The land is platted, and some part of the land adjoins the city.

(2) The land adjoins the city and is owned by or held in trust for the city or any agency thereof.

(3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city except that no city may annex land owned by a county without the express permission of the board of county commissioners of the county other than as provided in subsection (f).

(4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.

(5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.

(6) The tract is so situated that  $\frac{2}{3}$  of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.

(7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.

(c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A 19-2753 et seq., and amendments thereto, or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.

(d) Subject to the provisions of this section and ~~subsection (e)~~ of K.S.A. 12-520a(e), and amendments thereto, a city may annex, pursuant to this section, any fire district or any land within such fire district.

~~(e) Whenever any city annexes any land under the authority of paragraph 2 of subsection (a) which does not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.~~

~~(f)~~—No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding. The board of county commissioners may notify the city of the existence of the right-of-way of any highway which has not become part of the city by annexation and which has a common boundary with the city. The notification shall include a legal description and a map identifying the location of the highway. The governing body of the city shall certify by ordinance that the certification is correct and declare the highway, or portion of the highway extending to the center line where another city boundary line abuts the

opposing side of the highway, annexed to the city as of the date of the publication of the ordinance. ~~(g)-(f)~~ The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

~~(h)-(g)~~ No city may utilize any provision of this section to annex a narrow corridor of land to gain access to noncontiguous tracts of land. The corridor of land must have a tangible value and purpose other than for enhancing future annexations of land by the city.

(h) No land shall be annexed pursuant to subsections (a)(1), (4), (5) and (6) without express consent of the board of county commissioners by resolution adopted within 30 days following the conclusion of the hearing on the proposed annexation as required by K.S.A. 12-520a, and amendments thereto.

Sec. 5. K.S.A. 12-520c is hereby amended to read as follows: 12-520c. (a) The governing body of any city may by ordinance annex land not adjoining the city if the following conditions exist:

- (1) The land is located within the same county as ~~such the~~ city;
- (2) the owner or owners of the land petition for or consent in writing to the annexation of ~~such the~~ land; and
- (3) the board of county commissioners of the county, by a  $\frac{2}{3}$  vote of the members thereof, find and determine that the annexation of ~~such the~~ land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within ~~such the~~ county.

(b) No land adjoining any land annexed by any city under the provisions of this section shall be deemed to be adjoining the city for the purpose of annexation under any other act or section of this act until ~~such the~~ adjoining land or the land annexed under this section shall adjoin the remainder of the city by reason of the annexation of the intervening territory.

(c) Whenever the governing body of any city deems it advisable to annex land under the provisions of this section ~~such the~~ governing body shall by resolution request the board of county commissioners of the county to make a finding as required under subsection (a)(3) ~~of this section~~. The city clerk shall file a certified copy of ~~such the~~ resolution with the board of county commissioners who shall, within ~~thirty (30)~~ 30 days following the receipt ~~thereof of the resolution~~, make findings and notify the governing body of the city ~~thereof of the board's decision~~. ~~Such findings shall be spread at length upon the journal of proceedings of said board. The failure of such board to spread such findings upon the journal shall not invalidate the same.~~

Any owner or city aggrieved by the decision of the board of county commissioners may appeal from the decision of such board to the district court of the ~~same~~ county in the manner and method set forth in K.S.A. 19-223, and amendments thereto. Any city so appealing shall not be required to execute the bond prescribed therein.";

Also on page 2, in line 7, after "K.S.A." by inserting "12-520c,"; also in line 7, after "19-27a19" by inserting "and K.S.A. 2014 Supp. 12-520";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "municipalities,;" in line 2, by striking all before "amending"; also in line 2, after "K.S.A." by inserting "12-520c,;" in

line 3, after "27a19" by inserting "and K.S.A. 2014 Supp. 12-520";  
 And your committee on conference recommends the adoption of this report.

DENNIS PYLE  
 STEVE FITZGERALD  
 OLETHA FAUST-GOUDEAU  
*Conferees on part of Senate*

STEVE HUEBERT  
 TOM PHILLIPS  
 JOHN ALCALA  
*Conferees on part of House*

Senator Pyle moved the Senate adopt the Conference Committee Report on **HB 2165**.

On roll call, the vote was: Yeas 30; Nays 7; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bruce, Denning, Donovan, Fitzgerald, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Baumgardner, Bowers, Hawk, McGinn, Pettey, Schmidt, Wolf.

Present and Passing: Faust-Goudeau, Francisco, Longbine.

The Conference Committee Report was adopted.

#### **REPORTS OF STANDING COMMITTEES**

The **Select Committee on KPERS** recommends **HB 2095** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2095," as follows:

"Senate Substitute for HOUSE BILL No. 2095  
 By Select Committee on KPERS

"AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; special provisions for certain retirants; certain duties of the joint committee on pensions, investments and benefits; amending K.S.A. 46-2201 and K.S.A. 2014 Supp. 74-4914 and 74-4937 and repealing the existing sections.";

And the substitute bill be passed.

#### **REPORT ON ENROLLED BILLS**

**SR 1731, SR 1732, SR 1733, SR 1734, SR 1735, SR 1736, SR 1737, SR 1738** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 4, 2015.

Vice President King announced the Senate would recess to the sound of the gavel for the introduction of bills.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Tuesday, May 5, 2015.

# Journal of the Senate

FIFTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, May 5, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, Our Creator and Sustainer, Under the dome of this building, in the House and here in the Senate, we have men and women struggling with the heavy responsibility of deciding what's right for the citizens. We know that You're here with us, in every room under this dome. We know because You promised in Matthew 28:20 and Hebrews 13:5 that You'd never leave us. But what we really need Lord, is the awareness of Your presence. Like that old dilapidated violin, we need a touch from the Master's Hand. Like the old master tuning the instrument, tighten those of us who are too loose and loosen those of us who are too tight. Help each of us to get in tune and in harmony with Your purposes. Lord, supernaturally blend the hearts, intentions and decisions of these servants; so that many under this dome and across this state will be made aware that we have been touched by the Master's Hand. Thank You Lord, that by faith, we can look forward to it. In Jesus name, so be it and Amen

The Pledge of Allegiance was led by President Susan Wagle.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Financial Institutions and Insurance: **SB 303**.

## ACTION ON VETO MESSAGE

Senator Longbine moved the Senate reconsider the veto of **H Sub SB 117**, and the bill be passed notwithstanding the Governor's veto.

Senator LaTurner offered a substitute motion to postpone the question until Tuesday, May 12, 2015.

The Rules Committee was asked to determine whether the substitute motion was in order. The Chair of the Rules Committee determined the motion was in order as the date included in the motion allowed the Senate to reconsider the veto within the 30 days as provided by law.

On motion of Senator Bruce, the Senate adjourned the Morning Session until 2:00 p.m.

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The Senate was called to order by President Wagle.

### CONSIDERATION OF VETOED BILL

Senator Longbine moved the Senate reconsider the veto of **H Sub SB 117**, AN ACT regulating traffic; relating to transportation network companies, transportation network company services, regulation., which was received on April 20, 2015 and read on April 29, 2015, and the bill be passed notwithstanding the Governor's veto.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kerschen, King, Knox, Longbine, Love, Lynn, Masterson, McGinn, Melcher, Olson, Ostmeyer, Petersen, Pettey, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: LaTurner, O'Donnell, Pilcher-Cook, Powell, Pyle.

Present and Passing: Kelly.

The motion having received the required two-thirds constitutional majority of the members elected or appointed to the Senate, voting in the affirmative to approve the bill, **H Sub SB 117** passed.

### 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 241, SB 248, SB 249, SB 250, SB 255, SB 293; HB 2005; S Sub HB 2095; HB 2097, HB 2233, HB 2240, HB 2268, HB 2391, HB 2395.**

### COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Smith in the chair.

On motion of Senator Smith, the following report was adopted:

**SB 241, SB 248, SB 250; HB 2097, HB 2240, HB 2391** be passed.

**SB 255** be amended by motion of Senator King, on page 9, in line 10, before "Tribal" by inserting "Qualified"; in line 11, by striking "in" and inserting "within the borders of"; also in line 11, after "state" by inserting "that is"; by striking all in line 15; in line 16, by striking "in" and inserting "within the borders of"; in line 18, after "allotments" by inserting "; and

(4) any lands within the borders of this state, the title to which is either held in trust by the United States for the benefit of any Indian tribe or individual, or held by any Indian tribe or individual subject to restriction by the United States against alienation, and over which an Indian tribe exercises governmental power"

**SB 255** be further amended by motion of Senator Melcher on: page 1, following line 8, by inserting:

"Section 1. K.S.A. 2014 Supp. 21-6110 is hereby amended to read as follows: 21-6110. (a) It shall be unlawful, with no requirement of a culpable mental state, to smoke in an enclosed area or at a public meeting including, but not limited to:

- (1) Public places;
- (2) taxicabs and limousines;

(3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;

(4) restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;

(5) access points of all buildings and facilities not exempted pursuant to subsection (d); and

(6) any place of employment.

(b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.

(c) Notwithstanding any other provision of this section, K.S.A. 2014 Supp. 21-6111 or 21-6112, and amendments thereto, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.

(d) The provisions of this section shall not apply to:

(1) The outdoor areas of any building or facility beyond the access points of such building or facility;

(2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto;

(3) a hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;

(4) the gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto;

(5) that portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;

(6) that portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;

(7) tobacco shops;

(8) a class A or class B club defined in K.S.A. 41-2601, and amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises;

(9) a private club in designated areas where minors are prohibited; ~~and~~

(10) any benefit cigar dinner or other cigar dinner of a substantially similar nature that:

(A) Is conducted specifically and exclusively for charitable purposes by a nonprofit

organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(B) is conducted no more than once per calendar year by such organization; and

(C) has been held during each of the previous three years prior to January 1, 2011; and

(11) that portion of a medical or clinical research facility constituting a separately ventilated, secure smoking room dedicated and used solely and exclusively for clinical research activities conducted in accordance with regulatory authority of the United States or the state of Kansas, as determined by the director of alcoholic beverage control of the department of revenue.”;

On page 15, in line 18, after "Supp." by inserting "21-6110,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "sales of"; also in line 1, after "to" by inserting "smoking,"; in line 3, by striking all before "disclosure"; in line 4, after "Supp." by inserting "21-6110," and **SB 255** be passed as amended.

**HB 2268** be amended by motion of Senator LaTurner, on page 1, following line 21, by inserting:

"Sec. 2. (a) The state board of regents, for and on behalf of Pittsburg state university, is hereby authorized to exchange and convey the tracts of real property described in subsection (b) to the city of Pittsburg, Kansas, in consideration for the city of Pittsburg exchanging and conveying the tracts of real property described in subsection (c) to Pittsburg state university. The exchange and conveyance of real property by the state board of regents under this section shall be executed in the name of the state board of regents by its chairperson and its chief executive officer. The deed for such conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the state board of regents in consultation with the attorney general. No exchange and conveyance of real estate and improvements thereon as authorized by this section shall be made by the state board of regents until the deeds and conveyances have been reviewed and approved by the attorney general and, if warranty deeds are to be the instruments of conveyance, title reviews have been performed or title insurance has been obtained and the title opinion or the certificates of title insurance, as the case may be, have been approved by the attorney general. The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-430a, 75-3043a, 75-6609 or 75-6611, and amendments thereto.

(b) (1) In accordance with the provisions of this section, the state board of regents is hereby authorized to exchange and convey a tract of land to the city of Pittsburg commonly known as the south of east hills addition, particularly described as follows: Part of Section Thirty Three (33), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, Crawford County, Kansas, according to the United States Government Survey thereof bounded and described as follows: Beginning at a point 600 feet East of the SW corner of the North half of the NW  $\frac{1}{4}$  of said Section, thence continuing East 1766.82 feet (more or less) along the South line of the North half of the NW  $\frac{1}{4}$  to a point 300 feet West of the NE corner, SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , thence South and parallel to the East line of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  a distance of 435.60 feet, thence East 300 feet to the East line of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , thence South along the half section line 882.51 feet (more or less) to a  $\frac{3}{4}$  inch iron pipe set at center of said Section, thence East and along the half section line 500.05 feet to the centerline of

creek, thence South 753.68 feet, thence West and parallel to the half section line 702.94 feet, thence North 819.46 feet (more or less) to a point being 176.88 feet West and 80.98 feet North of the center of said Section, thence West and parallel to the half section line a distance of 426.63 feet, thence North 368.58 feet, thence West 1629 feet to the East right-of-way of the Kansas City Southern Railroad, thence Northwesterly along railroad right-of-way 491.75 feet, thence East 296.15 feet, thence North 238.41 feet, thence East 110.53 feet (more or less) to a point 600 feet East and 212.50 feet South of the SW corner, NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , thence 212.50 feet to point of beginning. (Said Tract containing 59.0 acres, more or less).

(2) In accordance with the provisions of this section, the state board of regents is hereby authorized to exchange and convey a tract of land to the city of Pittsburg, particularly described as follows: Part of the West half (W  $\frac{1}{2}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Thirty Three (33), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, Crawford County, Kansas, according to the United States Government Survey thereof bounded and described as follows: Beginning at the Northwest Corner of the Southwest Quarter (SW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of said Section Thirty Three (33); thence South along the West line of said Southwest Quarter (SW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ) a distance of One Thousand Three Hundred Thirty Three (1,333) feet to a  $\frac{3}{4}$  inch iron pipe set at the center of said Section Thirty Three (33); Thence East along the South line of said Southwest Quarter (SW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) a distance of Five Hundred and Five Hundredths (500.05) feet to center line of creek; Thence generally North along the center line of creek a distance of Seven Hundred Eighty (780) feet, more or less to a point in center line of creek Six Hundred Twenty Nine and Twenty Four Hundredths (629.24) feet South and Four Hundred Seventy One and Four Hundredths (471.04) feet East of the Northwest corner of the Southwest Quarter (SW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ) of said Section Thirty Three (33), Thence North a distance of Forty Four (44) feet to a  $\frac{1}{2}$  inch iron pipe set; Thence continuing North a distance of Two Hundred Forty Three (243) feet to a  $\frac{3}{4}$  inch iron pipe set; Thence North a distance of Twenty Three (23) feet to a point in center line of creek Three Hundred Nineteen and Twenty Four Hundredths (319.24) feet South and Four Hundred Sixty Nine and Ninety Three Hundredths (469.93) feet East of the Northwest Corner of Southwest Quarter (SW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ); Thence North and West with the meander of the center line of creek a distance of One Thousand One Hundred Thirty Eight (1138) feet, more or less to a point in the center line of creek and on the West line of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ) a distance of Three Hundred Sixty Three and Thirty Three Hundredths (363.33) feet North of the Northwest corner of Southwest Quarter (SW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ); Thence South along said West line of said Northwest Quarter (NW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ) a distance of Three Hundred Sixty Three and Thirty Three Hundredths (363.33) feet to the point of beginning. (Said Tract containing 13.73 acres, more or less).

(c) (1) In accordance with the provisions of this section, Pittsburg state university is hereby authorized to accept title to a tract of real property of approximately 25.1 acres commonly known as the research and development park conveyed to the university by the city of Pittsburg, particularly described as follows: Pittsburg Research and Development Park Phase II, Lots 1, 2, 3, 4 and 5.

(2) In accordance with the provisions of this section, Pittsburg state university is hereby authorized to accept title to a tract of real property particularly described as follows: Commencing at the Southwest Corner of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Section 33, Township 30 South, Range 25 East of the Sixth Principal Meridian, City of Pittsburg, County of Crawford, State of Kansas; thence on a bearing of South 88 Degrees 50 Minutes 56 Seconds East (this and all following bearings are assumed) along the Southerly line of said Quarter Section, a distance of 45.01 feet to a point on the existing right-of-way line of Rouse Avenue and Centennial Avenue as established by resolution and order for Tract 21, dated August 30, 1965, said point being the true point of beginning; thence on a bearing of North 00 Degrees 03 Minutes 28 Seconds West along said existing right-of-way line, a distance of 547.10 feet to a bend point in said existing right-of-way line; thence on a bearing of North 02 Degrees 47 Minutes 29 Seconds East continuing along said existing right-of-way line, a distance of 201.20 feet to a bend point in said existing right-of-way line, thence on a bearing of North 00 Degrees 03 Minutes 28 Seconds West continuing along said existing right-of-way line a distance of 175.66 feet to the point of intersection of said existing right-of-way line with the Westerly right-of-way line of the Kansas City Southern Railroad Company as now established; thence on a bearing of South 29 Degrees 55 Minutes 56 Seconds East along said Westerly right-of-way line, a distance of 1011.10 feet to a point of intersection with the extended Southerly permanent easement line of a sanitary sewer as it now exists; thence on a bearing of North 86 Degrees 35 Minutes 46 Seconds West along said Southerly permanent easement line, a distance of 310.56 feet to a bend point in said Southerly easement line; thence on a bearing of South 87 Degrees 02 Minutes 31 Seconds West continuing along said Southerly easement line, a distance of 51.73 feet; thence on a bearing of South 44 Degrees 52 Minutes 58 Seconds West, a distance of 91.75 feet to the Northerly line of the Southwest Quarter (SW  $\frac{1}{4}$ ) of Section 33, Township 30 South, Range 25 East of the Sixth Principal Meridian; thence continuing on a bearing of South 44 Degrees 52 Minutes 58 Seconds West, a distance of 84.94 feet; thence on a bearing of North 90 Degrees 00 Minutes 00 Seconds West along a line perpendicular to the Westerly line of said Southwest Quarter Section, a distance of 27.23 feet to a point on said existing right-of-way line of Rouse Avenue and Centennial Avenue; thence on a bearing of North 00 Degrees 00 Minutes 00 Seconds East along said existing right-of-way line, a distance of 61.94 feet, to the point of beginning; the above described tract of land contains 231,726 square feet or 5.320 acres more or less.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after "ACT" by inserting "concerning the conveyance of real property; authorizing the state board of regents to convey to the city of Pittsburg certain real property owned by the board of regents in exchange for certain real property owned by the city of Pittsburg;" and **HB 2268** be passed as amended.

A motion by Senator Hawk to amend **HB 2391** failed and the following amendment was rejected: on page 3, in line 27, by striking all after "(x)"; by striking all in lines 28 through 30; in line 31, by striking all before the semicolon and inserting "classified employees who have converted to the unclassified service through the process specified in this paragraph. The head of any state agency may authorize the conversion of all classified staff employee positions or any portion thereof within such state agency to the unclassified service of state employment. Those classified staff employees whose positions are converted from classified to unclassified status shall retain all health and

flexible benefits and leave and retirement benefits provided to them under the state classified employee system. The head of the state agency shall develop a plan for a system for administration of all other aspects of employment for these employees, including personnel policies and procedures, and each such system of administration shall be subject to approval by the secretary of administration. Such personnel policies and procedures shall include a disciplinary and grievance process which provides for the right to appeal and due process procedures. Development of such plan shall be subject to input from affected classified employees. Implementation of this paragraph shall not cause a salary reduction or layoff of any classified employee. This paragraph shall not be implemented by the state agency unless an election has been held by classified staff employees affected by such proposal at that state agency and the classified staff employees voting at the election by majority vote approve the conversion of the classified staff employee positions affected by such proposal at that state agency to unclassified positions. Any such election held after the effective date of this act shall be preceded by an official announcement providing at least 90 days' notice of the date, time and place of the election. After a vote of approval, the head of the state agency shall provide all affected employees with opportunities for input into the development of the plan that is to be presented to the secretary of administration with respect to personnel matters of that state agency. Nothing in this paragraph shall affect the representation rights of collective bargaining organizations that represent public employees or professional employees, nor shall the provisions of this paragraph affect any term or condition of any collective bargaining agreement in effect on the effective date of this paragraph";

On page 4, in line 4, after the semicolon by inserting "and"; in line 6, by striking all after "thereto"; by striking all in lines 7 through 18; in line 19, by striking all before the period;

On page 5, in line 5, after "unclassified" by inserting "in accordance with the provisions of this section, and the personnel policies and procedures adopted by the appointing authority in accordance with the provisions of this section, do not satisfy such requirements"

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

On roll call, the vote was: Yeas 16; Nays 22; Present and Passing 2; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, LaTurner, McGinn, Petersen, Pettey, Schmidt, Tyson, Wolf.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Kerschen, King, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Smith, Wagle, Wilborn.

Present and Passing: Longbine, Pyle

A motion by Senator Pettey to amend **HB 2391** failed and the following amendment was rejected on: page 3, in line 27, before "if" by inserting "except as provided in subsection (dd),";

On page 4, in line 7, after "(cc)" by inserting "except as provided in subsection (dd),"; following line 19, by inserting:

"(dd) No classified position in any state agency that receives federal grant moneys may be designated as unclassified by the appointing authority unless:

(A) A proposal describing the state agency's plan to designate classified positions

as unclassified positions and any proposed binding state agency policy pertaining thereto is prepared and submitted by the state agency to the federal agency or agencies from which grant moneys are received and the federal agency or agencies provide the submitting state agency with a written advisory opinion verifying that the state agency's proposed plan to designate classified positions as unclassified positions will not violate the terms of the federal grant to such state agency; and

(B) the state agency's proposal, the federal agency's written advisory opinion, the state agency's proposed budget for the pending fiscal year and a certification by the state agency that the state agency's proposal will not negatively affect the state agency's budget are provided by the state agency to the chair and members of the senate committee on federal and state affairs, committee on ways and means and committee on commerce and to the chair and members of the house committee on federal and state affairs, committee on appropriations and committee on commerce, labor and economic development."

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

On roll call, the vote was: Yeas 10; Nays 29; Present and Passing 0; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt.

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

Absent or Not Voting: Powell.

A motion by Senator Faust-Goudeau to amend **HB 2391** failed and the following amendment was rejected on: page 6, following line 23, by inserting:

"New Sec. 2. (a) The secretary of administration is hereby authorized and directed to:

(1) Make a study concerning whether any public employer having employees of both sexes discriminates between employees on the basis of sex by paying wages to employees at a rate less than the rate of wages paid to employees of the opposite sex for equal work, the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions;

(2) develop recommendations and a plan to mitigate any such discrimination;

(3) review statutory and rule and regulation changes necessary to carry out such a plan;

(4) estimate any additional staff and positions required to implement such a plan;

(5) identify any steps needed for interaction with the federal government in ways that are reasonably designed to carry out the purposes of this subsection; and

(6) review such other matters as may be necessary in making the study.

(b) On or before January 11, 2016, the secretary of administration shall submit to the president of the senate, the speaker of the house of representatives, each member of the committee on commerce of the senate and each member of the committee on commerce, labor and economic development of the house of representatives a report of the secretary's findings and recommendations from the study conducted under subsection (a).

(c) For purposes of this section, "public employer" means the state of Kansas.

"Public employee" means any employee of the state of Kansas.;"

And by renumbering sections accordingly;

On page 1, in the title, in line 3, before "amending" by inserting "wage discrimination study;"

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

On roll call, the vote was: Yeas 8; Nays 30; Present and Passing 1; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: O'Donnell.

Absent or Not Voting: Holmes.

A motion to amend **HB 2391** was offered by Senator Francisco. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

**SB 249; HB 2005, HB 2233** be amended by the adoption of the committee amendments, and the bills be passed as amended.

Amendments were offered by Senators Holmes and Fitzgerald on **HB 2005**. A ruling of the chair was requested as to the germaneness of the amendments to the bill. The Chair of the Rules Committee ruled the amendments not germane.

The committee report on **HB 2095** recommending **S Sub HB 2095** be adopted, be amended by motion of Senator King, on page 5, in line 16, by striking "2017" and inserting "2016";

On page 6, in line 11, by striking "2017" and inserting "2016";

On page 7, in line 34, by striking "2017" and inserting "2016";

On page 9, in line 18, by striking "2017" and inserting "2016";

On page 10, in line 29, by striking "2017" and inserting "2016", and **S Sub HB 2095** be passed as further amended.

**SB 293** be passed over and retain a place on the calendar.

## 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**.

*By the Governor*

On the appointment to the:

State Board of Indigents Defense Services:

Roman Rodriguez, 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 241, SB 248, SB 249, SB 250, SB 255; HB 2005; S Sub HB 2095; HB 2097, HB 2233, HB 2240, HB 2268, HB 2391 and HB 2395** were advanced to Final Action and roll call.

**SB 241**, AN ACT concerning the department of administration; relating to certain state contracts; amending K.S.A. 75-3743 and 75-3744 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 248**, AN ACT repealing K.S.A. 2014 Supp. 76-12a25; concerning key deposit funds.

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

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

The bill passed.

**SB 249**, AN ACT concerning purchasing law; relating to competitive bidding; amending K.S.A. 2014 Supp. 75-3739 and repealing the existing section.

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

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

Nays: Tyson.

The bill passed, as amended.

**SB 250**, AN ACT concerning the joint committee on state building construction; relating to the monthly reports of progress; amending K.S.A. 2014 Supp. 75-1264 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 255**, AN ACT concerning cigarettes and tobacco products; relating to the directory and certification of tobacco product manufacturers; disclosure of information and criminal penalties therefor; amending K.S.A. 50-6a02 and K.S.A. 2014 Supp. 50-6a04, 50-6a07, 50-6a10, 50-6a11, 50-6a16 and 75-5133 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**HB 2005**, AN ACT concerning the judicial branch; relating to court fees, docket fees and court costs; relating to dispositive motions; judicial branch surcharge fund, electronic filing and management fund and judicial branch docket fee fund; making and concerning appropriations for the fiscal years ending June 30, 2016, and June 30, 2017, for the judicial branch; amending K.S.A. 2014 Supp. 8-2107, 8-2110, 20-362, 20-3021, 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, 60-256, 60-729, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 21-6614e.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, 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, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Madam President: I vote "No" on **HB 2005**. To paraphrase concerns expressed in a recent editorial by a respected Kansas newspaper; this bill, in part, is "...about court funding and it risks both the balance of powers and the ability of the State's judiciary to function ..." autonomously of the Legislature's purse-strings. I respect and have sworn to uphold Kansas' and the United States', THREE branches of government as provided for in the Constitutions of both: Executive, Legislative and Judicial. Last year's (2014) bill began to tie judicial funding to policy initiatives when the Legislature (over my objection then too) took away the Supreme Court's power to appoint chief district judges or to then directly control their appropriations. This year, this bill (**HB 2005**)

apparently once again shows blatant disrespect for our State's Constitution. We should instead insure that the Judiciary has funding and independence. Accordingly, as the ranking member of Senate Judiciary, I vote "No" on **HB 2005**.—DAVID HALEY

**S Sub HB 2095**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; special provisions for certain retirants; certain duties of the joint committee on pensions, investments and benefits; amending K.S.A. 46-2201 and K.S.A. 2014 Supp. 74-4914 and 74-4937 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed, as amended.

**HB 2097**, AN ACT concerning search and rescue and hazardous material response matters; dealing with tort claims immunity; amending K.S.A. 2014 Supp. 75-6102 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**HB 2233**, AN ACT concerning utilities; relating to electric generating units and carbon dioxide emission standards; concerning the establishment of state performance standards, legislative review; state corporation commission; secretary of health and environment; creating the clean power plan implementation study committee; amending K.S.A. 2014 Supp. 65-3031 and repealing the existing section.

On roll call, the vote was: Yeas 34; Nays 3; Present and Passing 3; Absent or Not Voting 0.

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

Nays: Arpke, Fitzgerald, Tyson.

Present and Passing: Francisco, Hawk, Holland.

The bill passed, as amended.

**HB 2240**, AN ACT concerning taxation; relating to the board of tax appeals; small claims and expedited hearing division, hearing officers; members, qualifications and salary; amending K.S.A. 2014 Supp. 74-2433, 74-2433f and 74-2434 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**HB 2268**, AN ACT concerning the conveyance of real property; authorizing the state board of regents to convey to the city of Pittsburg certain real property owned by the board of regents in exchange for certain real property owned by the city of Pittsburg; authorizing the state historical society to accept conveyance of certain real property on behalf of the state.

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

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

The bill passed, as amended.

**HB 2391**, AN ACT concerning state employees; relating to classified and unclassified service; amending K.S.A. 2014 Supp. 75-2935 and repealing the existing section.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, McGinn, Petersen, Pettey, Schmidt, Tyson, Wilborn, Wolf.

The bill passed.

**HB 2395**, AN ACT concerning state building projects; relating to negotiating committees; relating to the alternative procurement; amending K.S.A. 2014 Supp. 75-1253 and repealing the existing section.

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

Yeas: Abrams, 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, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Baumgardner.

The bill passed, as amended.

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **HB 2051**.

The House adopts the Conference Committee report on **HB 2061**.

Announcing the House herewith transmits certificate of action by the House of Representatives on **H Sub SB 117**, AN ACT regulating traffic; relating to transportation network companies, transportation network company services, regulation.

The veto message from the Governor having been received, a motion was made that not withstanding the Governor's objection to **H Sub SB 117**, the bill be passed. By a vote of 96 Yeas and 25 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, May 6, 2015.

# Journal of the Senate

FIFTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, May 6, 2015, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 37 senators present.  
Senators Haley, Holland and LaTurner were excused.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, We're in desperate need of profitability. Decisions need to be made that are cost-effective. You said through the prophet Haggai 2:8 that all the silver and gold is Yours and in James 1:17, You said all the good favors come down from You. So, Lord we're asking for financial blessings for Kansas. But like Solomon, help us to prefer wisdom and understanding...to prefer the ability to see things from Your perspective before making decisions. When Solomon asked for that in 1 Kings 3:9, You answered his request for wisdom, and then in verse 13, blessed him with abundant wealth and honor. Lord, as vital as our need is for finances, would You regularly remind us to make the pursuit of Your wisdom and Your righteousness our priority? And remind us that we are then to trust You for the resources, because according to Psalm 50:10, every cow in Kansas belongs to You. In Jesus Name, Amen

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

## **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Longbine, Fitzgerald, Hawk, Knox, Masterson, Melcher, Schmidt and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1740—

A RESOLUTION congratulating and commending the 2015 Kansas Master Teachers.

WHEREAS, Seven of the state's best teachers have been selected as Kansas Master Teachers for 2015. These seven outstanding educators were honored on Wednesday, April 1, with a day of receptions, seminars and tours at the sponsoring institution, Emporia State University; 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 2015 winners; and

WHEREAS, The 2015 Kansas Master Teachers are: Carmen Cantrell, a special education teacher at Indian Hills Middle School in Shawnee Mission; Barbara Clark, a fourth grade teacher at Northview Elementary School in Manhattan; Kori Green, an

eighth grade U.S. history teacher at El Dorado Middle School in El Dorado; Leslie McAfee, a mathematics teacher at Piper High School in Kansas City; Bill McFarland, a seventh grade social studies teacher at Washburn Rural Middle School in Topeka; Reed Uthe, a speech and drama teacher at Lakewood Middle School in Overland Park; and Ginger Whiteside Steck, an art teacher for grades six through eight at Andover Central Middle School in Andover; and

WHEREAS, Emporia State University established the Kansas Master Teacher Awards in 1953. 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 2015 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: 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 2015 Kansas Master Teachers for demonstrating excellence in their profession and devotion to the children of Kansas and extend our best wishes for their continued success and happiness; and

*Be it further resolved:* That the Secretary of the Senate shall provide seven enrolled copies of this resolution to Senator Longbine.

On emergency motion of Senator Longbine, **SR 1740** was adopted by voice vote.

Guests introduced were Barbara Clark, Kori Green, Leslie McAfee, Bill McFarland, Reed Uthe, Ginger Whiteside Steck and Lucie Eusey.

Senators honored the guests with a standing ovation.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, May 7, 2015.

# Journal of the Senate

SIXTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, May 7, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 38 senators present.  
Senators McGinn and Ostmeyer were excused.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, On this National Day of Prayer, we know that everyone in the nation is not praying. Everyone in Kansas is not praying. Father, I would dare say that everyone under this dome is not really praying. Although it's a national call, everyone is not heeding it. But since we're in this thing together, help those of us who do pray to intercede in love for those of us who don't. You said in James 5:16 that the effective prayer of a righteous person, one who truly prays, has the power to accomplish much. So Lord, we stand here today, in prayer for a world of people, including many loved ones, that don't seem to be praying at all. We pray that Your saving grace will bring life to those who are spiritually dead, revive those who are lethargic and set on fire those who are frozen. Would You bring this nation...even this state to a turning point. Convict us of faulty ways. Convince us of true ways and Convert us to Your ways. Let the fragrance of our prayers be precious and pleasing to You, that the power of our prayers be unmistakable. In the name of Jesus, Amen and Amen

The Pledge of Allegiance was led by President Susan Wagle.

## **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1741—

A RESOLUTION congratulating the Johnson County Community College women's basketball team on winning the 2015 NJCAA Division II National Championship.

WHEREAS, The Johnson County Community College women's basketball team won the 2015 NJCAA Division II National Championship against Parkland College with a 66-64 victory. The win marks the first time since 2000 and the second time in the school's history that Johnson County Community College has won the NJCAA Division II National Championship; and

WHEREAS, The Johnson County Community College women's basketball team ended the season with 34 wins and only two losses, setting a new school record for wins. This was the sixth straight 30-win season for the team; and

WHEREAS, Ben Conrad is the head basketball coach for the Johnson County Community College women's basketball team. Conrad recorded his 300<sup>th</sup> career win when his team won the 2015 national title. Conrad surrounded the team with a stellar coaching staff that included Phillippe McCree, Doug Schakel, Dave Strong and Carlos Moore; and

WHEREAS, The members of the 2014-2015 Johnson County Community College women's basketball team were: Brook Vaughan, Chastity Franklin, Alexis Brown, Braile Fields, Erica Nelson, Kelsey Barrett, Kierra Isaiah, Katie Jones, Kayonna Lee, Janae Barnes, Emily Work, Shelby Dahl, Hunter Thomas and Nieka Wheeler. Nieka Wheeler, a sophomore from Independence, Missouri, was awarded the title NJCAA Women's Division II National Tournament MVP and led the team's victory against Parkland College with 16 points: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate the Johnson County Community College women's basketball team on winning the 2015 NJCAA Division II National Championship. We applaud the team's exceptional players, coaches and staff and wish them continued success and achievement in the future; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Baumgardner.

On emergency motion of Senator Baumgardner **SR 1741** was adopted by voice vote.

Senators Lynn, Melcher and Olson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1742—

A RESOLUTION congratulating and commending the  
Olathe Public Schools ProStart Culinary Team for winning  
first place at the 2015 National ProStart Invitational.

WHEREAS, On April 18-20, 2015, the Olathe Public Schools ProStart Culinary Team, representing the entire State of Kansas, took first place among 48 teams from throughout the United States, as well as Japan and Germany, winning its third national championship at the 14<sup>th</sup> Annual ProStart Invitational in Anaheim, California; and

WHEREAS, ProStart is a nationwide program that unites the classroom and hospitality industry to develop the best and brightest talent into tomorrow's restaurant and hospitality industry leaders. The ProStart program is a two-year high school course currently offered at 30 Kansas schools. Students who pass two exams, demonstrate a mastery of foundational skills, and complete 400 hours of mentored work experience earn an industry-recognized certificate which can lead to scholarships and credits at more than 60 colleges and universities across the country; and

WHEREAS, The National ProStart Invitational is the country's premier high school competition focused on culinary arts and restaurant management. Teams must win their respective state competitions in order to move on to the national finals, where, after having invested more than 700 hours of practice, they are required to prepare a three-course meal in 60 minutes, using two butane burners and without access to running water or electricity. Teams are then judged based on creative abilities, skill, teamwork, safety, sanitation, and taste of the food; and

WHEREAS, The team's winning menu included: An appetizer consisting of spice-

encrusted George's Bank scallops, avocado mosaic, citrus mango relish, tomato gremolata, mango reduction, and crisp microgreen salad; an entrée consisting of pignoli-encrusted pork tenderloin, rich veal reduction, vegetable bouquetiere, vanilla infused sunchoke puree, truffled spinach salad, and buttered potato croquette; and a dessert consisting of coconut chocolate Bavarian, spherical white chocolate orange Bavarian, cashew crumb, raspberry coulis, and sugar-dipped cashew and vanilla tuile; and

WHEREAS, The team consisted of: Melinda Hrdy, team lead, senior, Olathe South High School; Michael Miller, senior, Olathe South High School; Ashleigh Hagen, junior, Olathe North High School; Haneen Ibrahim, senior, Blue Valley North High School; and Rachel Cormeny, senior, Olathe East High School; and

WHEREAS, For winning first place, each team member received a \$5,000 scholarship from the National Restaurant Association Educational Foundation and Coca-Cola, as well as a \$1,000 scholarship from the Burger King McLamore Foundation that can be used to further their education in the restaurant and food service industry. The team members plan to continue their education after high school. Melinda Hrdy and Haneen Ibrahim plan to attend the New England Culinary Institute; Michael Miller plans to attend Le Cordon Bleu College of Culinary Arts in Seattle; Rachel Cormeny plans to attend Johnson and Wales University in Denver; and Ashleigh Hagen plans to attend the Culinary Institute of America; and

WHEREAS, The first place Olathe Public Schools ProStart Culinary Team was led by Chef Mike Chrostowski, who is in his 10<sup>th</sup> year of teaching. Chef Mike encourages students to develop a passion for the industry, helps them find success in the industry, pushes them to achieve greatness, and helps them achieve goals that were once thought unattainable. Under Chef Mike's mentoring and assistance from Chef Philip Shaw, the Olathe Culinary Program has qualified for the national competition 10 years in a row and is the only team to stand on the podium as a top four finisher the last seven consecutive years. Chef Mike's passion and expertise have helped to make the culinary arts program at Olathe North High School one of the best examples of industry standards being integrated into a high school career technical education program: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Olathe Public Schools ProStart Culinary Team for taking first place at the 14<sup>th</sup> Annual National ProStart Invitational in Anaheim, California, thereby serving as an example and a model to high schools across the United States for its dedication and excellence; and

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

On emergency motion of Senator Lynn **SR 1742** was adopted by voice vote. Senators honored the guests with a standing ovation.

Senators Wolf and Smith introduced the following Senate resolution, which was read:  
SENATE RESOLUTION No. 1743—

A RESOLUTION congratulating the Shawnee Mission East High School men's swimming and diving teams on winning the Kansas State Swimming and Diving Championship.

WHEREAS, The Shawnee Mission East High School men's swimming and diving teams won the 2015 Kansas State Swimming and Diving Championship by three points over Blue Valley North High School; and

WHEREAS, The meet was held at the Hummer Natatorium on February 20 and 21, 2015; and

WHEREAS, The Shawnee Mission East High School team was represented by the following 16 swimmers and three divers: Adam Bublitz, Tyler Cunningham, John Foster, Aiden Hense, Bennett Hense, Christian Hense, Aiden Holbrook, Patrick Hornung, Mitch Kerr, Max Keeter, Carter Kirkland, Hayden Linscott, Ian Longan, Joe McGuire, Tom Peters, Evan Root, Benn Schmatz, Henry Sniezek and Lawson Smith; and

WHEREAS, Senior Benn Schmatz and freshman Aiden Holbrook were named to the Kansas State 1<sup>st</sup> Team. Senior Patrick Hornung and sophomore Hayden Linscott were named to the Kansas State 2<sup>nd</sup> Team. Benn Schmatz was the Kansas Champion in the 100-yard breaststroke and Aiden Holbrook was the Kansas Champion in the 500-yard freestyle; and

WHEREAS, Shawnee Mission East High School also won the Sunflower League Conference title for the 12<sup>th</sup> consecutive year; and

WHEREAS, The team was coached by Wiley Wright, Colby Dischinger and Betsy Anderson. Coach Wright celebrated his 30<sup>th</sup> year of coaching at Shawnee Mission East High School this year. Under Coach Wright's leadership, the school has captured 19 Sunflower League titles and eight Kansas State titles: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate the Shawnee Mission East High School men's swimming and diving teams on winning the 2015 Kansas State Swimming and Diving Championship. The work ethic these young men demonstrate throughout the season serves as a shining example for all young Kansans; and

*Be it further resolved:* That the Secretary of the Senate shall send two enrolled copies of this resolution to Senator Wolf.

On emergency motion of Senator Wolf **SR 1743** was adopted by voice vote.

Senators honored the guests with a standing ovation.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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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 **S Sub HB 2042**.

The House adopts the Conference Committee report on **S Sub HB 2043**.

The House nonconcurrs in Senate amendments to **HB 2005**, requests a conference and has appointed Representatives Ryckman, Barker and Henry as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2233**, requests a conference and has appointed Representatives Hedke, Corbet and Kuether as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2268**, requests a conference and

has appointed Representatives Brunk, Couture-Lovelady and Tietze as conferees on the part of the House.

The House announced the appointment of Rep. Rubin to replace Rep. Dove as a conferee on **S Sub Sub HB 2170**.

The House adopts the Conference Committee report on **HB 2155**.

The House not adopts the Conference Committee report on **HB 2165**.

### ORIGINAL MOTION

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2233**.

The Vice President appointed Senators Olson, Petersen 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 **HB 2268**.

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 2005**.

The Vice President appointed Senators Masterson, King and Kelly as conferees on the part of the Senate.

### 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 52, SB 189; HB 2256**.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 52** submits the following report:

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

On page 1, in line 26, before "allow" by inserting "within the rattlesnake creek subbasin located in hydrologic unit code 11030009,";

On page 11, following line 26, by inserting the following:

"Sec. 6. K.S.A. 2014 Supp. 82a-1604 is hereby amended to read as follows: 82a-1604. (a) The state may participate with a sponsor in the development, construction or renovation of a class I multipurpose small lake project if the sponsor has a general plan which has been submitted to and approved by the chief engineer in the manner provided by K.S.A. 24-1213 and 24-1214, and amendments thereto. If the Kansas water office determines that additional public water supply storage shall be needed in that area of the state within 20 years from the time such project is to be completed and a water user is not available to finance public water supply storage, the state may include future use public water supply storage in the project. The Kansas water office shall apply for a water appropriation right sufficient to insure a dependable yield from the public water supply storage. The Kansas water office shall be exempt from all applicable fees imposed pursuant to K.S.A. 82a-701 et seq., and amendments thereto, for such

applications. The Kansas water office shall have authority to adopt rules and regulations relative to the inclusion of public water supply storage in proposed projects under this act and the disposition of state-owned water rights and associated public water supply storage space in such projects.

(b) The sponsor of such class I project shall be responsible for acquiring land rights and for the costs of operation and maintenance of such project. The state may provide up to 50% of the engineering and construction costs and up to 50% of the costs of land rights associated with recreation features. Subject to the provisions of subsections (a) and (c), the state may pay up to 100% of the engineering and construction costs of flood control and public water supply storage. All other costs of such project, including land, construction, operation and maintenance shall be paid by the sponsor.

(c) The state shall not participate in the costs of public water supply storage in a renovation project unless the Kansas water office determines that renovation is the most cost effective alternative for such storage. The state shall be authorized to pay only up to 50% of the engineering and construction costs of public water supply storage in such a renovation project.

(d) The Kansas water office may recover the state's costs incurred in providing public water supply storage in such class I project, and interest on such costs, by selling such storage and the associated water rights. Interest on such costs shall be computed at a rate per annum ~~which is equal to the greater of: (1) The average rate of interest earned the past calendar year on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board, less 5%; or (2) four percent equal to the average of the monthly net earnings rate for the pooled money investment portfolio for the preceding calendar year for each year of storage.~~

Sec. 7. K.S.A. 2014 Supp. 82a-1605 is hereby amended to read as follows: 82a-1605. (a) The state may participate with a sponsor in the development, construction or renovation of a class II multipurpose small lake project if the sponsor has a general plan which has been submitted to and approved by the chief engineer in the manner provided by K.S.A. 24-1213 and 24-1214, and amendments thereto. If the Kansas water office determines that additional public water supply storage shall be needed in that area of the state within 20 years from the time such project is to be completed and a water user is not available to finance public water supply storage, the state may include future use public water supply storage in the project. The Kansas water office shall apply for a water appropriation right sufficient to insure a dependable yield from public water supply storage. The Kansas water office shall be exempt from all applicable fees imposed pursuant to K.S.A. 82a-701 et seq., and amendments thereto, for such applications. The Kansas water office shall have authority to adopt rules and regulations relative to the inclusion of public water supply storage in proposed projects under this act and the disposition of state-owned water rights and associated public water supply storage space in such projects.

(b) In a class II project, the state may assume initial financial obligations for public water supply storage in watersheds by entering into long-term contracts with the federal government. In order to provide security to the federal government, the state may grant assignments of water rights, either appropriation rights or water reservation rights; assignments of rights under existing or prospective water purchase contracts; assignments, mortgages or other transfers of interests in real property held by the state and devoted to the specific small lake project for which security is sought; or may

provide other security that is permissible under state law and acceptable by the federal government. Instead of contracting to repay costs under long-term contracts, the state may pay all of the required costs of the public water supply storage in a lump sum.

(c) The sponsor of such class II project shall be responsible for acquiring land rights and for the costs of operation and maintenance of such project. The state or federal government may provide up to 50% of the engineering and construction costs and up to 50% of the costs of land rights associated with recreation features. Subject to the provisions of subsection (d), the state may pay up to 100% of the engineering and construction costs of flood control and public water supply storage. All other costs of such project, including land, construction, operation and maintenance shall be paid by the sponsor.

(d) The state shall not participate in the costs of public water supply storage in a renovation project unless the Kansas water office determines that renovation is the most cost effective alternative for such storage. The state shall be authorized to pay only up to 50% of the engineering and construction costs of public water supply storage in such a renovation project.

(e) The Kansas water office may recover the state's costs incurred in providing public water supply storage in such class II project, and interest on such costs, by selling such storage and the associated water rights. Interest on such costs shall be computed at a rate per annum ~~which is equal to the greater of: (1) The average rate of interest earned the past calendar year on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board, less 5%; or (2) four percent equal to the average of the monthly net earnings rate for the pooled money investment portfolio for the preceding calendar year for each year of storage.~~

Sec. 8. K.S.A. 2014 Supp. 82a-1606 is hereby amended to read as follows: 82a-1606. (a) The state may participate with a sponsor in the development, construction or renovation of a class III multipurpose small lake project if the sponsor has a general plan which has been submitted to and approved by the chief engineer in the manner provided by K.S.A. 24-1213 and 24-1214, and amendments thereto. If public water supply storage is included in the project, the sponsor of such class III project shall pay for 100% of the costs associated with the public water supply storage portion of such project unless the Kansas water office determines that additional public water supply storage shall be needed in that area of the state within 20 years from the time such project is to be completed and a sponsor is not available to finance 100% of the costs associated with the public water supply storage, the state may participate in the future use public water supply storage costs of the project. If the state participates in the public water supply storage costs, the Kansas water office shall apply for a water appropriation right sufficient to insure a dependable yield from public water supply storage. The Kansas water office shall be exempt from all applicable fees imposed pursuant to K.S.A. 82a-701 et seq., and amendments thereto, for such applications. The Kansas water office shall have authority to adopt rules and regulations relative to the inclusion of public water supply storage in proposed projects under this act and the disposition of state-owned water rights and associated public water supply storage space in such projects.

(b) The sponsor of such class III project shall be responsible for acquiring land rights and for the costs of operation and maintenance of the project. The state may provide up to 50% of the engineering and construction costs and up to 50% of the costs

of land rights associated with recreation features. Subject to the provisions of subsection (c), the state may pay up to 100% of the engineering and construction costs of flood control storage and public water supply storage. All other costs of such project, including land, construction, operation and maintenance, shall be paid by the sponsor.

(c) The state shall not participate in the costs of public water supply storage in a renovation project unless the Kansas water office determines that renovation is the most cost effective alternative for such storage. The state shall be authorized to pay only up to 50% of the engineering and construction costs of public water supply storage in such a renovation project.

(d) The Kansas water office may recover the state's costs incurred in providing public water supply storage in such class III project, and interest on such costs, by selling such storage and the associated water rights. Interest on such costs shall be computed at a rate per annum ~~which is equal to the greater of: (1) The average rate of interest earned the past calendar year on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board, less 5%; or (2) four percent equal to the average of the monthly net earnings rate for the pooled money investment portfolio for the preceding calendar year for each year of storage.~~;

Also on page 11, in line 28, by striking "and" and inserting a comma; also in line 28, after "82a-1041" by inserting ", 82a-1604, 82a-1605 and 82a-1606";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "public water supply storage;"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "82a-1041" by inserting ", 82a-1604, 82a-1605 and 82a-1606";

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

SHARON SCHWARTZ

SUE BOLDRA

PONKA-WE VICTORS

*Conferees on part of House*

LARRY POWELL

DAN KERSCHEN

MARCI FRANCISCO

*Conferees on part of Senate*

Senator Powell moved the Senate adopt the Conference Committee Report on **SB 52**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: McGinn, Ostmeyer.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 189** 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 10, following line 20, by inserting:

"(i) The dean of the college shall annually submit a report to the senate committee on agriculture and the house committee on agriculture and natural resources. Such annual report shall include details on the veterinary training program for rural Kansas, the veterinary diagnostic laboratory, the national bio and agro defense facility and other programs of the college.";

Also on page 10, in line 26, by striking all after "euthanasia"; by striking all in line 27; in line 28, by striking all before the period and inserting ". The commissioner shall promulgate rules and regulations by December 31, 2015, regarding acceptable methods of euthanasia. Such acceptable methods may be more stringent than those established by the American veterinary medical association";

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

SHARON SCHWARTZ

SUE BOLDRA

PONKA-WE VICTORS

*Conferees on part of House*

GARRETT LOVE

DAN KERSCHEN

MARCI FRANCISCO

*Conferees on part of Senate*

Senator Love moved the Senate adopt the Conference Committee Report on **SB 189**.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kersch, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pettey, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Pilcher-Cook.

Absent or Not Voting: McGinn, Ostmeyer.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2256** 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, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 8 and inserting:

"New Section 1. (a) The attorney general may determine by a preponderance of the evidence after an investigation that a public agency has violated K.S.A. 45-215 et seq., and amendments thereto, and may, at any time prior to the filing of an action pursuant to K.S.A. 45-222, and amendments thereto, either enter into a consent order with the public agency or issue a finding of violation to the public agency.

(1) If the attorney general enters into a consent order with the public agency, the consent order:

(A) May contain admissions of fact and any or all of the following:

(i) Require completion of training approved by the attorney general concerning the requirements of K.S.A. 45-215 et seq., and amendments thereto;

(ii) Impose a civil penalty as provided for in K.S.A. 45-223, and amendments thereto, in

an amount not to exceed \$250 for each violation; and

(iii) Set forth the public agency's agreement that it will comply with the requirements of the open records act, K.S.A. 45-215 et seq., and amendments thereto; and

(B) Shall bear the signature of the head of the public agency, of any officer found to have violated the provisions of K.S.A. 45-215 et seq., and amendments thereto, and of any other person required by the attorney general. If the public agency is a governing body, all of the members of the governing body shall sign the consent order.

(2) If the attorney general issues a finding of violation to the public agency, the finding may contain findings of fact and conclusions of law and require the public agency to do any or all of the following:

(A) Cease and desist from further violation;

(B) Comply with the provisions of K.S.A. 45-215 et seq., and amendments thereto;

(C) Complete training approved by the attorney general concerning the requirements of K.S.A. 45-215 et seq., and amendments thereto; and

(D) Pay a civil penalty as provided for in K.S.A. 45-223, and amendments thereto, in an amount not to exceed \$500 for each violation.

(b) The attorney general may require submission of proof that requirements of any consent order entered pursuant to subsection (a)(1) or any finding of violation issued pursuant to subsection (a)(2) have been satisfied.

(c) (1) The attorney general may apply to the district court to enforce a consent order pursuant to subsection (a)(1) or finding of violation pursuant to subsection (a)(2). Prior to applying to the district court, the attorney general shall make a demand to the public agency to comply with the consent order or finding of violation and afford reasonable opportunity for the public agency to cure the violation.

(2) An enforcement action under this section may be filed in the district court of the county where the consent order or finding of violation is issued or is effective. The district court of any county shall have jurisdiction to enforce any consent order or finding of violation.

(3) In any enforcement action under this section, the court on its own motion, or on the motion of either party, may view the records in controversy in camera before reaching a decision.

(4) If the district court finds the attorney general did not abuse the attorney general's discretion in entering into the consent order or issuing the finding of violation, the district court shall enter an order that:

(A) Enjoins the public agency to comply with the consent order or finding of violation;

(B) imposes a civil penalty as provided for in K.S.A. 45-223, and amendments thereto. The penalty shall be set by the court in an amount not less than the amount ordered by the attorney general, nor more than \$500 for each violation;

(C) requires the public agency to pay the attorney general's court costs and costs incurred in investigating the violation; and

(D) provides for any other remedy authorized by K.S.A. 45-222(a), and amendments thereto, that the court deems appropriate.

(5) In any enforcement action under this section, if the court finds that any of the provisions of K.S.A. 45-215 et seq., and amendments thereto, were violated, such court:

(A) Except as provided in subsection (c)(5)(B), may require the public agency to pay the attorney general's reasonable attorney fees; and

(B) shall require the public agency to pay the attorney general's reasonable attorney fees, if the public agency's violation was not made in good faith and without a reasonable basis in fact or law.

(d) Any finding of violation issued by the attorney general pursuant to subsection (a)(2) shall be served upon the public agency:

(1) By certified mail, return receipt requested, to the last known place of business, residence or abode within or without this state; or

(2) in the manner provided in the code of civil procedure as if a petition had been filed.

(e) The attorney general shall maintain and make available for public inspection all consent orders entered pursuant to subsection (a)(1) and all findings of violation issued pursuant to subsection (a)(2).

(f) This section shall be a part of and supplemental to the open records act.

New Sec. 2. (a) In lieu of bringing an action as provided in K.S.A. 45-222, and amendments thereto, the attorney general or a county or district attorney may resolve the matter by accepting a consent judgment with respect to any act or practice declared to be a violation of this act. Before any consent judgment entered into pursuant to this section shall be effective, such judgment must be approved by the district court and an entry made thereof in the manner required for making an entry of judgment. Once such approval is received, any breach of the conditions of the consent judgment shall be treated as a violation of a court order, and shall be subject to all the penalties provided by law therefor.

(b) A consent judgment may contain any remedy available to the district court, except it shall not include an award of reasonable expenses, investigation costs or attorney fees. A consent judgment may include a stipulation concerning the production of records requested pursuant to K.S.A. 45-215 et seq., and amendments thereto, subject to any permissible redactions as described in the consent judgment.

(c) This section shall be a part of and supplemental to the open records act.

New Sec. 3. (a) Any complaint submitted to the attorney general shall be on a form prescribed by the attorney general setting forth the facts that the complaining party believes show that K.S.A. 45-215 et seq., and amendments thereto, have been violated. The person submitting the complaint must attest to the facts under penalty of perjury pursuant to K.S.A. 53-601, and amendments thereto.

(b) This section shall be a part of and supplemental to the open records act.

New Sec. 4. (a) The attorney general may determine by a preponderance of the evidence after an investigation that a public body or agency has violated K.S.A. 75-4317 et seq., and amendments thereto, and may, at any time prior to the filing of an action pursuant to K.S.A. 75-4320a, and amendments thereto, either enter into a consent order with the public body or agency or issue a finding of violation to the public body or agency.

(1) If the attorney general enters into a consent order with the public body or agency, the consent order:

(A) May contain admissions of fact and any or all of the following:

(i) Require completion of training approved by the attorney general concerning the requirements of K.S.A. 75-4317 et seq., and amendments thereto;

(ii) impose a civil penalty as provided for in K.S.A. 75-4320, and amendments thereto, in an amount not to exceed \$250 for each violation; and

(iii) set forth the public body's or agency's agreement that it will comply with the requirements of the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto; and

(B) shall bear the signature of the head of the public body or agency, of any officer found to have violated the provisions of K.S.A. 75-4317 et seq., and amendments thereto, and of any other person required by the attorney general.

(2) If the attorney general issues a finding of violation to the public body or agency, the finding may contain findings of fact and conclusions of law and require the public body or agency to do any or all of the following:

(A) Cease and desist from further violation;

(B) comply with the provisions of K.S.A. 75-4317 et seq., and amendments thereto;

(C) complete training approved by the attorney general concerning the requirements of K.S.A. 75-4317 et seq., and amendments thereto; and

(D) pay a civil penalty as provided for in K.S.A. 75-4320, and amendments thereto, in an amount not to exceed \$500 for each violation.

(b) The attorney general may require submission of proof that requirements of any consent order entered pursuant to subsection (a)(1) or any finding of violation issued pursuant to subsection (a)(2) have been satisfied.

(c) (1) The attorney general may apply to the district court to enforce a consent order pursuant to subsection (a)(1) or finding of violation pursuant to subsection (a)(2). Prior to applying to the district court, the attorney general shall make a demand to the public body or agency to comply with the consent order or finding of violation and afford reasonable opportunity for the public body or agency to cure the violation.

(2) An enforcement action under this section may be filed in the district court of the county where the consent order or finding of violation is issued or is effective. The district court of any county shall have jurisdiction to enforce any consent order or finding of violation.

(3) If the district court finds the attorney general did not abuse the attorney general's discretion in entering into the consent order or issuing the finding of violation, the district court shall enter an order that:

(A) Enjoins the public body or agency to comply with the consent order or finding of violation;

(B) imposes a civil penalty as provided for in K.S.A. 75-4320, and amendments thereto. The penalty shall be set by the court in an amount not less than the amount

ordered by the attorney general, nor more than \$500 for each violation;

(C) requires the public body or agency to pay the attorney general's court costs and costs incurred in investigating the violation; and

(D) provides for any other remedy authorized by K.S.A. 75-4320a(a), and amendments thereto, that the court deems appropriate.

(4) In any enforcement action under this section, if the court finds that any of the provisions of K.S.A. 75-4317 et seq., and amendments thereto, were violated, such court:

(A) Except as provided in subsection (c)(4)(B), may require the public body or agency to pay the attorney general's reasonable attorney fees; and

(B) shall require the public body or agency to pay the attorney general's reasonable attorney fees, if the public body's or agency's violation was not made in good faith and without a reasonable basis in fact or law.

(d) Any finding of violation issued by the attorney general pursuant to subsection (a)(2) shall be served upon the public body or agency:

(1) By certified mail, return receipt requested, to the last known place of business, residence or abode within or without this state; or

(2) in the manner provided in the code of civil procedure as if a petition had been filed.

(e) The attorney general shall maintain and make available for public inspection all consent orders entered pursuant to subsection (a)(1) and all findings of violation issued pursuant to subsection (a)(2).

(f) This section shall be a part of and supplemental to the open meetings act.

New Sec. 5. (a) In lieu of bringing an action as provided in K.S.A. 75-4320a, and amendments thereto, the attorney general or a county or district attorney may resolve the matter by accepting a consent judgment with respect to any act or practice declared to be a violation of this act. Before any consent judgment entered into pursuant to this section shall be effective, such judgment must be approved by the district court and an entry made thereof in the manner required for making an entry of judgment. Once such approval is received, any breach of the conditions of the consent judgment shall be treated as a violation of a court order, and shall be subject to all the penalties provided by law therefor.

(b) A consent judgment may contain any remedy available to the district court, except it shall not include an award of reasonable expenses, investigation costs or attorney fees.

(c) This section shall be a part of and supplemental to the open meetings act.

New Sec. 6. (a) Any complaint submitted to the attorney general shall be on a form prescribed by the attorney general setting forth the facts that the complaining party believes show that K.S.A. 75-4317 et seq., and amendments thereto, have been violated. The person submitting the complaint must attest to the facts under penalty of perjury pursuant to K.S.A. 53-601, and amendments thereto.

(b) This section shall be a part of and supplemental to the open meetings act.

New Sec. 7. (a) There is hereby created in the state treasury the attorney general's open government fund. Moneys in the attorney general's open government fund shall be used by the attorney general to carry out the provisions and purposes of the open records act, K.S.A. 45-215 et seq., and amendments thereto, and the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto. All expenditures from the attorney

general's open government 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 a person designated by the attorney general.

(b) All civil penalties, expenses, costs and attorney fees awarded in an action brought by the attorney general pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto, or the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto, or pursuant to a consent order or finding of violation of the attorney general as provided in section 1 or section 4, and amendments thereto, shall be credited to the attorney general's open government fund.

New Sec. 8. (a) Subject to the availability of appropriations, the attorney general shall provide and coordinate training throughout the state to promote knowledge of, and compliance with, the open records act, K.S.A. 45-215 et seq., and amendments thereto, and the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto. The attorney general may consult and coordinate with any appropriate organization to provide training.

(b) The attorney general may establish a program of computerized training to promote knowledge of, and compliance with, the open records act, K.S.A. 45-215 et seq., and amendments thereto, and the open meetings act, K.S.A. 75-4317, and amendments thereto, and to make training available throughout the state.

(c) The attorney general may approve training programs that satisfy training requirements imposed by the district court or by any order or judgment pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto, and the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto.

New Sec. 9. The attorney general may adopt rules and regulations to implement and administer the provisions of the open records act, K.S.A. 45-215 et seq., and amendments thereto, and the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto.

Sec. 10. K.S.A. 2014 Supp. 45-221 is hereby amended to read as follows: 45-221. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2014 Supp. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2014 Supp. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public;

(E) would not endanger the life or physical safety of any person; and

(F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

- (A) The information which the agency maintains on computer facilities; and
- (B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain

to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information which would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to ~~subsection (b)~~ of K.S.A. 40-409**(b)**, and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under ~~subsection (a)~~ of K.S.A. 40-2,156**(a)**, and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third-party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers, DD Form 214. Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has

custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with ~~subsection (h)(1) of~~ K.S.A. 44-532(h)(1), and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(49) An individual's e-mail address, cell phone number and other contact information which has been given to the public agency for the purpose of public agency notifications or communications which are widely distributed to the public.

(50) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to the Kansas 911 act, and amendments thereto, upon request of the party submitting such records.

(51) Records of a public agency on a public website which are searchable by a keyword search and identify the home address or home ownership of a law enforcement officer as defined in K.S.A. 2014 Supp. 21-5111, and amendments thereto, parole officer, probation officer, court services officer or community correctional services officer. Such individual officer shall file with the custodian of such record a request to have such officer's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such officer's identifying information from such public access. 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.

(52) Records of a public agency on a public website which are searchable by a keyword search and identify the home address or home ownership of a federal judge, a justice of the supreme court, a judge of the court of appeals, a district judge, a district magistrate judge, a municipal judge, the United States attorney for the district of Kansas, an assistant United States attorney, a special assistant United States attorney, the attorney general, an assistant attorney general, ~~a district attorney or county attorney or an assistant district attorney or assistant county attorney~~ special assistant attorney general, a county attorney, an assistant county attorney, a special assistant county attorney, a district attorney, an assistant district attorney, a special assistant district attorney, a city attorney, an assistant city attorney or a special assistant city attorney. Such person shall file with the custodian of such record a request to have such person's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such person's identifying information from such public access. 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, zip

code, 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. 2014 Supp. 75-7c01 et seq., and amendments thereto, shall not be disclosed unless otherwise required by law.

(54) Records of a utility concerning information about cyber security threats, attacks or general attempts to attack utility operations provided to law enforcement agencies, the state corporation commission, the federal energy regulatory commission, the department of energy, the southwest power pool, the North American electric reliability corporation, the federal communications commission or any other federal, state or regional organization that has a responsibility for the safeguarding of telecommunications, electric, potable water, waste water disposal or treatment, motor fuel or natural gas energy supply systems.

(55) Records of a public agency containing information or reports obtained and prepared by the office of the state bank commissioner in the course of licensing or examining a person engaged in money transmission business pursuant to K.S.A. 9-508 et seq., and amendments thereto, shall not be disclosed except pursuant to K.S.A. 9-513c, and amendments thereto, or unless otherwise required by law.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A.

72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

Sec. 11. K.S.A. 2014 Supp. 45-222 is hereby amended to read as follows: 45-222.

(a) The district court of any county in which public records are located shall have jurisdiction to enforce the purposes of this act with respect to such records, by injunction, mandamus, declaratory judgment or other appropriate order, in an action brought by any person, the attorney general or a county or district attorney. The district court may require a defendant to complete training approved by the attorney general concerning the requirements of the open records act.

(b) In any action hereunder, the court shall determine the matter de novo. The court on its own motion, or on motion of either party, may view the records in controversy in camera before reaching a decision.

(c) In any action hereunder, or under section 1, and amendments thereto, the burden of proof shall be on the public agency to sustain its action.

(d) In any action hereunder, the court shall award costs and a reasonable sum as an attorney's fee for services rendered in such action, including proceedings on appeal, to be recovered and collected as part of the costs to the plaintiff if the court finds that the agency's denial of access to the public record was not in good faith and without a reasonable basis in fact or law. The award shall be assessed against the public agency that the court determines to be responsible for the violation.

~~(d)-(e)~~ (e) In any action hereunder in which the defendant is the prevailing party, the court shall award to the defendant costs and a reasonable sum as an attorney's fee for services rendered in such action, including proceedings on appeal, to be recovered and collected as part of the costs if the court finds that the plaintiff maintained the action not in good faith and without a reasonable basis in fact or law.

~~(e)-(f)~~ (f) In any action hereunder brought by the attorney general or a county or district attorney, if the court finds that any provisions were violated, such court:

(1) Except as provided in subsection (f)(2), may award the attorney general's or the county or district attorney's reasonable expenses, investigation costs and attorney fees; and

(2) shall award the same if the court determines that the violation was not made in good faith and without a reasonable basis in fact or law.

(g) Except as otherwise provided by law, proceedings arising under this section shall be assigned for hearing and trial at the earliest practicable date.

~~(f)-(h)~~ (h) The provisions of subsections ~~(e)-(d)~~ (d) and ~~(d)-(e)~~ (e) concerning the awarding of costs and attorney fees for services rendered during an appeal shall apply only to actions which are based on causes of action accruing on or after July 1, 2004.

Sec. 12. K.S.A. 45-223 is hereby amended to read as follows: 45-223. (a) Any public agency subject to this act that knowingly violates any of the provisions of this act or that intentionally fails to furnish information as required by this act shall be liable for the payment of a civil penalty in an action brought by the attorney general or a county or district attorney, in a sum set by the court of not to exceed \$500 for each violation.

(b) Any civil penalty sued for and recovered hereunder by the attorney general shall be paid into the ~~state general~~ attorney general's open government fund. Any civil penalty sued for and recovered hereunder by a county or district attorney shall be paid

into the general fund of the county in which the proceedings were instigated.

Sec. 13. K.S.A. 45-228 is hereby amended to read as follows: 45-228. ~~(a)~~ In investigating alleged violations of the ~~Kansas~~ open records act, the attorney general or county or district attorney may:

- ~~(1)~~ (1) Subpoena witnesses, evidence, records, documents or other material;
- ~~(2)~~ (2) take testimony under oath;
- ~~(3)~~ (3) examine or cause to be examined any records or other documentary material of whatever nature relevant to such alleged violations;
- ~~(4)~~ (4) require attendance during such examination of documentary material and take testimony under oath or acknowledgment in respect of any such documentary material; ~~and~~
- ~~(5)~~ (5) serve interrogatories; and
- (6) administer oaths and affirmations.

(b) If a public agency claims in writing that any records or documents, or any portion thereof, obtained by the attorney general or a county or district attorney pursuant to subsection (a) are exempt from disclosure for any reason, the attorney general or a county or district attorney shall not further disclose that record or document, nor the contents thereof, unless ordered to do so by a district court enforcing the open records act in connection with such record or document. Such records and documents in the possession of the attorney general or a county or district attorney shall not be subject to a request for inspection and copying under the open records act and shall not be subject to discovery, subpoena or other process.

(c) Service by the attorney general or a county or district attorney of any interrogatories or subpoena upon any person shall be made:

(1) By certified mail, return receipt requested, to the last known place of business, residence or abode within or without this state; or

(2) in the manner provided in the code of civil procedure as if a petition had been filed.

(d) If any person willfully fails or refuses to file any response to a request for information, records or other materials required by this section, respond to interrogatories or obey any subpoena issued by the attorney general or a county or district attorney, the attorney general or a county or district attorney may, after notice, apply to the district court of the county where the request, interrogatories or subpoena was issued, or of any other county where venue is proper, and after a hearing thereon the district court may:

(1) Issue an order requiring a response to the request for information, records or other materials, a response to the interrogatories or compliance with the subpoena; or

(2) grant such other relief as may be required, until the person provides the requested response for information, records or other materials, responds to the interrogatories or obeys the subpoena.

Sec. 14. K.S.A. 2014 Supp. 75-4317a is hereby amended to read as follows: 75-4317a. As used in the open meetings act, "meeting" means any gathering or assembly in person or through the use of a telephone or any other medium for interactive communication by a majority of the membership of a public body or agency subject to this act for the purpose of discussing the business or affairs of the public body or agency.

Sec. 15. K.S.A. 2014 Supp. 75-4318 is hereby amended to read as follows: 75-

4318. (a) Subject to the provisions of subsection (g), all meetings for the conduct of the affairs of, and the transaction of business by, all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds shall be open to the public and no binding action by such public bodies or agencies shall be by secret ballot. Meetings of task forces, advisory committees or subcommittees of advisory committees created pursuant to a governor's executive order shall be open to the public in accordance with this act.

(b) Notice of the date, time and place of any regular or special meeting of a public body or agency ~~hereinabove~~ in subsection (a) shall be furnished to any person requesting such notice, except that:

(1) If notice is requested by petition, the petition shall designate one person to receive notice on behalf of all persons named in the petition, and notice to such person shall constitute notice to all persons named in the petition;

(2) if notice is furnished to an executive officer of an employees' organization or trade association, such notice shall be deemed to have been furnished to the entire membership of such organization or association; and

(3) the public body or agency may require that a request to receive notice must be submitted again to the public body or agency prior to the commencement of any subsequent fiscal year of the public body or agency during which the person wishes to continue receiving notice, but, prior to discontinuing notice to any person, the public body or agency must notify the person that notice will be discontinued unless the person resubmits a request to receive notice.

(c) It shall be the duty of the presiding officer or other person calling the meeting, if the meeting is not called by the presiding officer, to furnish the notice required by subsection (b).

(d) Prior to any meeting ~~hereinabove~~ mentioned by subsection (a), any agenda relating to the business to be transacted at such meeting shall be made available to any person requesting the agenda.

(e) The use of cameras, photographic lights and recording devices shall not be prohibited at any meeting mentioned by subsection (a), but such use shall be subject to reasonable rules designed to insure the orderly conduct of the proceedings at such meeting.

(f) Except as provided by section 22 of article 2 of the constitution of the state of Kansas, interactive communications in a series shall be open if they collectively involve a majority of the membership of the public body or agency, share a common topic of discussion concerning the business or affairs of the public body or agency, and are intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the public body or agency.

(g) The provisions of the open meetings law shall not apply:

(1) To any administrative body that is authorized by law to exercise quasi-judicial functions when such body is deliberating matters relating to a decision involving such quasi-judicial functions;

(2) to the prisoner review board when conducting parole hearings or parole violation hearings held at a correctional institution;

(3) to any impeachment inquiry or other impeachment matter referred to any

committee of the house of representatives prior to the report of such committee to the full house of representatives; and

(4) if otherwise provided by state or federal law or by rules of the Kansas senate or house of representatives.

Sec. 16. K.S.A. 2014 Supp. 75-4319 is hereby amended to read as follows: 75-4319. (a) Upon formal motion made, seconded and carried, all public 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 public 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 public 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 public 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(d)(1), and amendments thereto, or subsection (e) of K.S.A. 38-2213(e), 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(j), 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(e), 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(g), 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 public body or 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(f), and amendments thereto;

(15) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2014 Supp. 75-7427, and amendments thereto; and

(16) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2014 Supp. 46-3801, 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. 17. K.S.A. 2014 Supp. 75-4320 is hereby amended to read as follows: 75-4320. (a) Any member of a public body or agency subject to ~~this~~ the open meetings act who knowingly violates any of the provisions of ~~this such~~ act or who intentionally fails to furnish information as required by ~~subsection (b) of~~ K.S.A. 75-4318(b), and amendments thereto, shall be liable for the payment of a civil penalty in an action brought by the attorney general or county or district attorney, in a sum set by the court of not to exceed \$500 for each violation. In addition, any binding action which is taken at a meeting not in substantial compliance with the provisions of ~~this~~ the open meetings act shall be voidable in any action brought by the attorney general or county or district attorney in the district court of the county in which the meeting was held within 21 days of the meeting, and the court shall have jurisdiction to issue injunctions or writs of mandamus to enforce the provisions of ~~this~~ the open meetings act.

(b) Civil penalties sued for and recovered hereunder by the attorney general shall be paid into the ~~state general~~ attorney general's open government fund. Civil penalties sued for and recovered hereunder by a county or district attorney shall be paid into the general fund of the county where the proceedings were instigated.

(c) No fine shall be imposed pursuant to subsection (a) for violations of ~~subsection (f) of~~ K.S.A. 75-4318(f), and amendments thereto, which occur prior to July 1, 2009.

Sec. 18. K.S.A. 75-4320a is hereby amended to read as follows: 75-4320a. (a) The district court of any county in which a meeting is held shall have jurisdiction to enforce the purposes of K.S.A. 75-4318 and 75-4319, and amendments thereto, with respect to such meeting, by injunction, mandamus, declaratory judgment or other appropriate

order, on application of any person. The district court may require a defendant to complete training approved by the attorney general concerning the requirements of the open meetings act.

(b) In any action hereunder ~~or under section 4, and amendments thereto~~, the burden of proof shall be on the public body or agency to sustain its action.

(c) In any action hereunder, the court may award court costs to the person seeking to enforce the provisions of K.S.A. 75-4318 or 75-4319, and amendments thereto, if the court finds that the provisions of those statutes were violated. The award shall be assessed against the public ~~agency or body or agency~~ responsible for the violation.

(d) In any action hereunder in which the defendant is the prevailing party, the court may award to the defendant court costs if the court finds that the plaintiff maintained the action frivolously, not in good faith or without a reasonable basis in fact or law.

(e) In any action hereunder brought by the attorney general or a county or district attorney, if the court finds that any provisions of K.S.A. 75-4318 or 75-4319, and amendments thereto, were violated, such court:

(1) Except as provided in subsection (e)(2), may award the attorney general's or the county or district attorney's reasonable expenses, investigation costs and attorney fees; and

(2) shall award the same if the court determines that the violation was not made in good faith and without a reasonable basis in fact or law.

(f) Except as otherwise provided by law, proceedings arising under this section shall take precedence over all other cases and shall be assigned for hearing and trial at the earliest practicable date.

~~(g)~~ As used in this section, "meeting" has the meaning provided by K.S.A. 75-4317a, and amendments thereto.

Sec. 19. K.S.A. 2014 Supp. 75-4320b is hereby amended to read as follows: 75-4320b. (a) In investigating alleged violations of the Kansas open meetings act, the attorney general or county or district attorney may:

~~(1)~~ (1) Subpoena witnesses, evidence, records, documents or other material;

~~(2)~~ (2) take testimony under oath;

~~(3)~~ (3) examine or cause to be examined any records or other documentary material of whatever nature relevant to such alleged violations;

~~(4)~~ (4) require attendance during such examination of documentary material and take testimony under oath or acknowledgment in respect of any such documentary material; and

~~(5)~~ (5) serve interrogatories; and

(6) administer oaths and affirmations.

(b) Service by the attorney general or a county or district attorney of any interrogatories or subpoena upon any person shall be made:

(1) By certified mail, return receipt requested, to the last known place of business, residence or abode within or without this state; or

(2) in the manner provided in the code of civil procedure as if a petition had been filed.

(c) If any person willfully fails or refuses to file any response to a request for information, records or other materials required by this section, respond to interrogatories or obey any subpoena issued by the attorney general or a county or district attorney, the attorney general or a county or district attorney may, after notice,

apply to the district court of the county where the request, interrogatories or subpoena was issued, or of any other county where venue is proper, and after a hearing thereon the district court may:

(1) Issue an order requiring a response to the request for information, records or other materials, a response to interrogatories or compliance with the subpoena; or

(2) grant such other relief as may be required, until the person provides the requested response for information, records or other materials, responds to the interrogatories or obeys the subpoena.

Sec. 20. K.S.A. 45-223, 45-228 and 75-4320a and K.S.A. 2014 Supp. 45-221, 45-222, 75-4317a, 75-4318, 75-4319, 75-4320 and 75-4320b are hereby repealed.

Sec. 21. 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 line 2; in line 3, by striking all before the period and inserting "public bodies or agencies; relating to the state of Kansas and local units of government; providing certain powers to the attorney general for investigation of violations of the open records act and the open meetings act; attorney general's open government fund; amending K.S.A. 45-223, 45-228 and 75-4320a and K.S.A. 2014 Supp. 45-221, 45-222, 75-4317a, 75-4318, 75-4319, 75-4320 and 75-4320b and repealing the existing sections";

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

JEFF KING

GREG SMITH

DAVID HALEY

*Conferees on part of Senate*

JOHN BARKER

CHARLES MACHEERS

JOHN CARMICHAEL

*Conferees on part of House*

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2256**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: McGinn, Ostmeyer.

The Conference Committee Report was adopted.

## REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 303** be amended on page 1, in line 14, by striking all after the period; by striking all in lines 15 and 16; in line 17, after "Any" by inserting "individual or small group"; also in line 17, by striking "individual or group";

On page 6, in line 1, by striking "51" and inserting "101"; in line 6, by striking "50" and inserting "100";

On page 7, in line 27, after "after" by inserting "January 1, 2016 and"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 301** be amended on page 22, by striking all in lines 21 through 43;

By striking all on pages 23 through 29;

On page 30, by striking all in lines 1 through 3;

On page 67, in line 5, by striking "21-6614, 21-6614e,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "21-6614,"; in line 16, by striking "21-6614e,"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, May 8, 2015.

# Journal of the Senate

SIXTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, May 8, 2015, 8:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 21 senators present.

Senators Abrams, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hensley, Holmes, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Ostmeyer, Pettey and Wilborn were excused.

Invocation by Reverend Cecil T. Washington:

Lord, We're coming to the end of another work week. There've been times of stress and periods of struggling to achieve harmony. We thank You for keeping Your promise to be with us and now we thank You that it's Friday. We're preparing to get out of here, hopefully to have times of rest and periods of refreshing. Regardless of the distances or the time needed to travel, let the journeys be safe. Let each one find things well upon their arrival. And for anything that is not well, give wisdom and help us to trust You. On this Mother's Day weekend, let the mother's feel honored that the tremendous role they have in our lives and in society is being recognized and appreciated. Then, once the weekend is over, bring us back to this legislature renewed, strengthened and ready to face the challenges again. For the good of Your people and for the glory that's due Your name, let the fullness of this prayer be answered. In Jesus name, Amen

The Pledge of Allegiance was led by President Susan Wagle.

## REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 234** be amended on page 1, in line 9, by striking "New"; in line 27, after the semicolon by inserting "(I) liquor drink tax under K.S.A. 79-41a01 et seq., and amendments thereto";

On page 3, by striking all in lines 11 through 43;

By striking all on pages 4 through 15;

On page 16, by striking all in lines 1 through 7;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking "receipts and expenditures" and inserting "taxation"; also in line 2, after "amnesty" by inserting "from the payment of all penalties and interest with respect to unpaid taxes or taxes due and owing; relating to privilege, income, sales, excise and certain other taxes"; also in line 2, by striking "; creating a budget"; by striking all in

lines 3 through 5; in line 6, by striking all before the period and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2353** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2353," as follows:

"Senate Substitute for HOUSE BILL No. 2353

By Committee on Ways and Means

"AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal years ending June 30, 2016, and June 30, 2017, for the department of education; amending K.S.A. 2014 Supp. 72-1046b, as amended by section 29 of 2015 House Substitute for Senate Bill No. 7, 72-3715, as amended by section 36 of 2015 House Substitute for Senate Bill No. 7, 72-6434, as amended by section 38 of 2015 House Substitute for Senate Bill No. 7, 72-8814, as amended by section 63 of 2015 House Substitute for Senate Bill No. 7, 75-2319, as amended by section 72 of 2015 House Substitute for Senate Bill No. 7 and Sections 5 and 6 of 2015 House Substitute for Senate Bill No. 7 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 72-6434, as amended by section 7 of this act, and 72-8814, as amended by section 8 of this act.";

And the substitute bill be passed.

#### **REPORT ON ENROLLED BILLS**

**SB 154** reported correctly enrolled, properly signed and presented to the Governor on May 8, 2015.

**SR 1739, SR 1740, SR 1741, SR 1742, SR 1743** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 8, 2015.

#### **TRIBUTES**

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of May 4 through May 8, 2015:

Senator Faust-Goudeau: congratulating Alpha Kappa Alpha – Beta Kappa Omega Chapter on its 80th Anniversary;

Senator O'Donnell: celebrating the 100th Anniversary of the Wichita Carnegie Library Building; and

Senator Schmidt: congratulating Roy "Aaron" Zeikle on his retirement and commending his service to education in Kansas; congratulating Jennifer Lee on her retirement and commending her service to education in Kansas.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Monday, May 11, 2015.

# Journal of the Senate

SIXTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, May 11, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with thirty-seven senators present.  
Senators Arpke, Love and McGinn were excused.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, We're back for the start of a new day. When the roll was called, we were able to declare our presence. Thank You for bringing us and thank You for keeping us. As we gather at these very important desks, making very significant decisions, we need Your guidance. Lord, You said in James 1:5, that if any of us was in need of wisdom, we'd receive it in plentiful supply, if we asked You for it. Lord, while we're searching and researching, trying to find the wisest answers to our questions, and solutions for our problems, remind us that You are our number one resource. Remind us to pray. And when the day comes that our work down here is done...when instead of gathering behind these desks, we gather around Your throne...when the Lamb's Book of eternal life, in Revelations 21:27, is opened and that final roll call is taken, we'll look to You, to declare our presence. in the Name of Jesus, the Lamb that was slain. 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 304**, AN ACT concerning abortion; relating to the administration of abortifacient drugs; amending K.S.A. 2014 Supp. 65-4a10 and repealing the existing section, by Committee on Ways and Means.

## MESSAGE FROM THE HOUSE

Announcing passage of **SB 14**, **SB 105**, **SB 276**, **SB 290**.

Announcing passage of **SB 12**, as amended by **H Sub SB 12**, **SB 91**, as amended by **H Sub SB 91**, **SB 112**, as amended by **H Sub SB 112**.

Announcing passage of **HB 2049**; **Sub HB 2224**; **HB 2365**.

The House adopts the Conference Committee report on **HB 2149**.

The House adopts the Conference Committee report on **HB 2256**.

The House nonconcurrs in Senate amendments to **HB 2395**, requests a conference and has appointed Representatives Hutton, Mason and Frownfelter as conferees on the part of the House.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2049; Sub HB 2224; HB 2365** were thereupon introduced and read by title.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Smith the Senate nonconcurred in the House amendments to **H Sub SB 12** and requested a conference committee be appointed.

The President appointed Senators Smith, Knox and Pettey as a conference committee on the part of the Senate.

On motion of Senator Olson the Senate nonconcurred in the House amendments to **H Sub SB 91** and requested a conference committee be appointed.

The President appointed Senators Olson, Petersen and Francisco as a conference committee on the part of the Senate.

On motion of Senator Smith the Senate nonconcurred in the House amendments to **H Sub SB 112** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

**ORIGINAL MOTION**

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **HB 2395**.

The President appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate recessed until 2:00 p.m.

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

**CHANGE OF REFERENCE**

The Vice President withdrew **HB 2352** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on **Ways and Means**.

**MESSAGE FROM THE HOUSE**

The House accedes to the request of the Senate for a conference on **H Sub SB 12** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 91** and has appointed Representatives Hedke, Corbet and Kuether as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 112** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub HB 2095**, requests a conference and has appointed Representatives Johnson, Thompson and Trimmer as conferees on the part of the House.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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#### **CHANGE OF CONFERENCE**

The Vice President announced the appointment of Senator Pettey as a member of the Conference Committee on **Sub SB 38; H Sub SB 112; SB 113; HB 2025, HB 2048; S Sub HB 2124; HB 2159** to replace Senator Haley.

The Vice President announced the appointment of Senator King as a member of the Conference Committee on **S Sub HB 2177** to replace Senator Powell.

The Vice President announced the appointment of Senator Smith as a member of the Conference Committee on **S Sub HB 2177** to replace Senator Kerschen.

The Vice President announced the appointment of Senator Pettey as a member of the Conference Committee on **S Sub HB 2177** to replace Senator Francisco.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Tuesday, May 12, 2015.

# Journal of the Senate

SIXTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, May 12, 2015, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 37 senators present.  
Senators Arpke, Haley and Holmes were excused.  
Invocation by Reverend Cecil T. Washington:

Dear Lord, I often wonder the validity, when we call You Lord. The question You raised in Luke 6:46-49, was how could someone call You Lord and not do what You say? Help us by the guidance of Your Holy Word and the leading of Your Holy Spirit, first, to KNOW what You say. Then Lord, inspire us with the determination to DO what You say. We want the decisions arising from these halls to be demonstrations of our obedience to You. You said calling You Lord without obeying You was foolish and would demonstrate we were building on an inadequate foundation. In Matthew 22:36-40, You gave us the greatest of all laws; to love You with everything we have. And the second, was to love one another. You then summed it up by saying all the laws hung on those two. Again, Lord, please let all the decisions...all the laws arising from this place, reflect the validity of our obedience to Your Lordship. In the Name of Him, in Whom I stand, Jesus the Christ. 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:

Corrections and Juvenile Justice: **HB 2049**.

Federal and State Affairs: **SB 304**; **Sub HB 2224**.

Ways and Means: **HB 2365**.

## CHANGE OF REFERENCE

The Vice President withdrew **HB 2352** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

## SENATE RESOLUTION No. 1744—

A RESOLUTION congratulating and commending the Tonganoxie High School Science Olympiad Team on winning its first state championship on April 4, 2015.

WHEREAS, Science Olympiad is a national nonprofit organization dedicated to improving the quality of K-12 science education, increasing male, female and minority interest in science, creating a technology-literate workforce and providing recognition for outstanding achievement by both students and teachers. These goals are achieved by participating in Science Olympiad tournaments and non-competitive events, incorporating Science Olympiad into classroom curriculum and attending teacher training institutes; and

WHEREAS, The Tonganoxie High School Science Olympiad Team won the small school division of the state tournament held at Wichita State University on April 4, 2015, improving its performance over its 2014 second-place finish; and

WHEREAS, The team won eight first-place medals, three second-place medals and two third-place medals; and

WHEREAS, Grace Reilly and Danielle Irwin placed first in anatomy; Nick French and Sierra Staatz placed first in astronomy; Jack Crow and Garrett French placed first in compound machine; Joshua Lingo and Anahi Puebla placed first in forensics; Spencer Finkbiner, Grace Reilly and Sierra Staatz placed first in protein modeling; Nick French and Jack Crow placed first in air trajectory; Brad Andrews and Ethan Sandburg placed first in "it's about time"; and Joshua Lingo and Spencer Finkbiner placed first in cell biology; and

WHEREAS, Allison Williams and Sierra Staatz placed second in dynamic planet; Joshua Lingo and Nate Bothwell placed second in green generation; and Danielle Irwin, Monica Maurer and Allison Williams placed second in experimental design; and

WHEREAS, Brad Andrews and Jacob Tollefson placed third in bungee drop; and Brad Andrews and Garrett French placed third in fossils; and

WHEREAS, The entire team includes: Brad Andrews, Nathan Bothwell, Jack Crow, Makayla Dajani, Spencer Finkbiner, Garrett French, Nick French, Danielle Irwin, Joshua Lingo, Monica Maurer, Anahi Puebla, Grace Reilly, Sierra Staatz, Ethan Sandburg, Jacob Tollefson and Allison Williams; and

WHEREAS, The team coaches are Christine Biel and Tracey Waldeier, the high school principal is Mark Farrar and the superintendent is Lyn Rantz: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Tonganoxie High School Science Olympiad Team on winning its first state championship title; and

*Be it further resolved:* That the Secretary of the Senate shall send 19 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1744** was adopted by voice vote.

Guests introduced in addition to the students named in the resolution were: Coach Christine Biel, Coach Tracey Waldeier and Principal Mark Farrar.

Senators honored the guests with a standing ovation.

Senators Masterson and Knox introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1745—

A RESOLUTION congratulating and commending Dahlia Crook for her national archery accomplishments.

WHEREAS, Dahlia Crook posted a fourth place finish in the compound women's division of the 2014/2015 Indoor Archery World Cup Finals in Las Vegas. Dahlia earned her way to the finals by getting high scores during a qualifying process that took her to tournaments in Morocco, Thailand and France. Dahlia, who turned 15 in November and is a resident of Piedmont in Greenwood County, Kansas, was one of the youngest archers competing in the World Cup finals; and

WHEREAS, In March 2015, Dahlia competed in the 35<sup>th</sup> Annual Indoor Archery National Championship and became the National Champion in Young Adult Women's Freestyle; and

WHEREAS, Dahlia began competing nationally and internationally in 2014 and during the summer, qualified as a member of the "cadet" division of Team U.S.A. She was one of five young women, ages 15-17, who qualified in compound archery. The top qualifying archers from Team U.S.A. represent the country at various international venues. Dahlia has set records at three Kansas archery championships, the 2014 NFAA National Outdoor Field Championship and the 2014 IFAA World Outdoor Field Championship. Dahlia's goal is to be a professional archer and sports commentator who can help the sport of archery grow and she would like to share it with others: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate Dahlia Crook for her national archery accomplishments. Dahlia has displayed an exemplary work ethic that all Kansans can be proud of; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senators Masterson and Knox.

On emergency motion of Senator Masterson **SR 1745** was adopted by voice vote.

Guests introduced were Dahlia Crook, Tammi Crook, Matthew Crook and Rachel Crook.

Senators honored the guests with a standing ovation.

#### **ORIGINAL MOTION**

On motion of Senator Longbine, the Senate acceded to the request of the House for a conference on **S Sub HB 2095**.

The Vice President appointed Senators King, Longbine and Kelly as conferees on the part of the Senate.

#### **STRICKEN FROM THE CALENDAR**

On motion of Senator Bruce, the following bills were stricken from the calendar: **SB 15, SB 39, SB 74, SB 89, SB 90, SB 220, SB 267** and **SB 293**.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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The Senate met pursuant to recess with Senator Wagle in the chair.

### MESSAGES 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

March 26, 2015

*Member, Racing and Gaming Commission*, Brandon Jones (R), Ottawa, pursuant to the authority vested in me by K.S.A. 74-8803 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2017, to succeed Timothy Shultz.

April 29, 2015

*Member, State Civil Service Board*, Phillis Setchell (R), Topeka, pursuant to the the authority vested in me by K.S.A. 75-2929a, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2019, to succeed herself.

*Member, University of Kansas Hospital Authority*, Charles Sunderland (R), Overland Park, pursuant to the authority vested in me by K.S.A. 76-3304 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2017, to succeed himself.

*Member, State Banking Board*, Donald Pendergast (U), Dodge City, pursuant to the authority vested in me by K.S.A. 74-3004 et seq., and effective upon the date of confirmation by the Senate, to serve a three year term, to expire March 15, 2018, to succeed Dale Koch.

*Member, Kansas Development Finance Authority*, Donald Linville (R), Garden City, pursuant to the authority vested in me by K.S.A. 74-8903 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2019, to succeed himself.

May 6, 2015

*Member, State Civil Service Board*, Henry Cox (R), Shawnee, pursuant to the authority vested in me by K.S.A. 75-2929a, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2017, to succeed Sue Christopher.

*Commissioner, Kansas Corporation Commission*, Jay Emler (R), Lindsborg, pursuant to the authority vested in me by K.S.A. 74-601 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2019, to succeed himself.

### CHANGE OF CONFERENCE

The President announced the appointment of Senator King as a member of the Conference Committee on **H Sub SB 12** to replace Senator Smith.

The President announced the appointment of Senator Smith as a member of the Conference Committee on **H Sub SB 12** to replace Senator Knox.

MAY 12, 2015

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On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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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., Wednesday, May 13, 2015.

# Journal of the Senate

SIXTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, May 13, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 38 senators present.  
Senators Haley and Hawk were excused.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, On the fourth day of creation, in Genesis 1:16, You created the sun, the larger light to rule and govern the day; then the moon, the lesser light to rule and govern the night. Lord, when considering the brilliance of a moonlit night, it's amazing to realize that the moon is governing the night but with no light of its own, that it's receiving and then reflecting the light of the sun. Lord, help us to remember, that in a like manner, we have no light of our own. When people consider the brilliance of some of our work, give us the humility to deflect the praise and point them to You. As we work together throughout these halls, remind all of us, the Senators and the supporting staff, that we have no light of our own. Keep us humbly seeking to receive light from You and be a reflection of that to others. Let all of the good that is accomplished here in governing be an echo of Your goodness, Your unifying love, Your empathy, Your compassion and Your wisdom. As the moon could produce no light apart from the sun keep us determined to never be apart from You, but to dwell with You forever. In Jesus name. Amen and 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 305**, AN ACT concerning the Kansas bioscience authority; relating to the termination and dissolution of the authority and transferring its powers, functions, assets and liabilities to the department of commerce; amending K.S.A. 2014 Supp. 12-1770a, as amended by section 25 of 2015 House Substitute for Senate Bill No. 7, 12-1771, 12-1772, 48-3502, 65-1,249, 74-50,211, 74-8004, 74-8132, 74-8964, 74-99b03, 74-99b06, 74-99b09, 74-99b18 and 74-99b35 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 74-99b01, 74-99b02, 74-99b04, 74-99b05, 74-99b07, 74-99b08, 74-99b10, 74-99b11, 74-99b12, 74-99b13, 74-99b14, 74-99b15, 74-99b16, 74-99b17, 74-99b19, 74-99b20, 74-99b31, 74-99b32, 74-99b33, 74-99b34, 74-99b34a, 74-99b41, 74-99b42, 74-99b43, as amended by section 71 of 2015 House Substitute for Senate Bill No. 7, 74-99b44, 74-99b45, 74-99b51, 74-99b52, 74-99b53, 74-99b61, 74-99b62, 74-

99b63, 74-99b64, 74-99b65, 74-99b66, 74-99b67, 74-99b68, 74-99b81, 74-99b82, 74-99b83, 74-99b84, 74-99b85, 74-99b86, 74-99b87, 74-99b88 and 74-99b89, by Committee on Ways and Means.

#### **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:*

*State Corporation Commission:*

Jay Emler, to serve Term ends March 15, 2019.

(Committee on Federal and State Affairs)

*Kansas Racing and Gaming Commission:*

Brandon Jones, to serve Term ends January 15, 2017.

(Committee on Federal and State Affairs)

*State Banking Board:*

Donald Pendergast, to serve Term ends March 15, 2018.

(Committee on Ways and Means)

*State Civil Service Board:*

Phillis Setchell, to serve Term ends March 15, 2019.

(Committee on Federal and State Affairs)

*Kansas Development Finance Authority:*

Donald Linville, to serve Term ends January 15, 2019.

(Committee on Ways and Means)

*University of Kansas Hospital Authority:*

Charles Sunderland, to serve Term ends March 15, 2017.

(Committee on Ways and Means)

*State Civil Service Board:*

Henry Cox, to serve Term ends March 15, 2017.

(Committee on Federal and State Affairs)

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Pettey, Kelly and Powell introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1747—

A RESOLUTION congratulating and commending  
the Kansas recipients of the 2015 Gates Millennium Scholarship.

WHEREAS, LaTara Demery from Sumner Academy of Arts & Science, Kansas City, Kansas; Hashaivione Edmundson from Topeka High School; Van Lian from Wyandotte High School, Kansas City, Kansas; Mario Ortega from Garden City Senior High School and Yazmin Sandoval from J.C. Harmon High School, Kansas City, Kansas have been selected as 2015 Gates Millennium Scholars; and

WHEREAS, The Gates Millennium Scholars Program was established in 1999 to promote academic excellence and to provide opportunities for outstanding minority students with significant financial need to reach their highest potential; and

WHEREAS, This prestigious program selects only 1,000 exceptional students per year nationwide to receive a full scholarship covering the cost of tuition, fees, books and living expenses at a college or university of the student's choice and offers students leadership development, mentoring and academic and social support; and

WHEREAS, To qualify for the program, each student has received endorsements from an educator and a community member, held a minimum grade point average of 3.3 and demonstrated leadership through community service or extracurricular or other activities: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend LaTara Demery, Hashaivione Edmundson, Van Lian, Mario Ortega and Yazmin Sandoval on being selected as 2015 Gates Millennium Scholars. These students exemplify academic excellence and leadership, and we wish them all the best for continued success in all future academic, personal and career challenges and opportunities; and

*Be it further resolved:* That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Pettey, one enrolled copy to Senator Kelly and one enrolled copy to Senator Powell.

On emergency motion of Senator Pettey **SR 1747** was adopted by voice vote.

Guests introduced were Latrina Patterson, Nikki Ramirez-Jennings, Marie Carter, Nikki Meier, Angela Locke, Emily Caryl, Dr. Linda Wiley and Dr. Julie Ford.

Senators honored the students and guests with a standing ovation.

### **SPECIAL REMARKS**

Mario Ortega (Lares) is a Bill Gates Millennium Scholar, one of 1,000 recipients across the nation for 2015. He is a Garden City Senior ranking 26th of 386 in his graduating class. The Gates Millennium Scholarship is the largest monetary scholarship for prospective college students in the nation. Mario will receive a full ride from undergraduate through his doctoral degree studies if he chooses to continue his education to that extent; it has changed his life! Mario plans to major in Music Education at KU. After one year, he plans to transfer to a New York college and eventually study abroad. His scholarship will pay for this as well. Mario has excelled in the Garden City High School system with a 3.9 GPA.

Congratulations and Best Wishes to an accomplished young man from the 39th District. – LARRY POWELL

### **CHANGE OF CONFERENCE**

The President announced the appointment of Senator Kelly as a member of the Conference Committee on **SB 101** and **HB 2142** to replace Senator Hawk.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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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 SB 91**, and has appointed Representatives Hedke, Corbet and Kuether as second conferees on the part of the House.

**ORIGINAL MOTION**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub SB 91** 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.

DENNIS HEDKE

KEN CORBET

ANNIE KUETHER

*Conferees on part of House*

ROB OLSON

MIKE PETERSEN

MARCI FRANCISCO

*Conferees on part of Senate*

On motion of Senator Olson the Senate adopted the conference committee report on **H Sub SB 91**, and requested a new conference be appointed.

The President appointed Senators Olson, Petersen and Francisco as a second Conference Committee on the part of the Senate on **H Sub SB 91**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Arpke, Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1746—

A RESOLUTION designating October 14, 2015, as Eisenhower Day and encouraging the state-wide celebration of Dwight D. Eisenhower's 125<sup>th</sup> birthday.

WHEREAS, Dwight D. Eisenhower, whose hometown and final resting place is Abilene, Kansas, is a pivotal figure in American history and an embodiment of the American Ideal. He served as President of the United States of America from 1953 to 1961; and

WHEREAS, Dwight David Eisenhower, reared in Kansas, was the Supreme Commander who led the Allied Expeditionary Force to Victory in World War II and laid the foundations for postwar America; and

WHEREAS, During his distinguished career as General of the Army and as President, Dwight D. Eisenhower's vision of peace, prosperity and justice in the world, of balance in government, and integrity in personal conduct set a timeless model for

leadership; and

WHEREAS, The recognition of Dwight D. Eisenhower's character, values and diligent pursuit of a purposeful life can serve as inspiration to the young people of Kansas and to all citizens of Kansas and of the United States; and

WHEREAS, The State of Kansas desires to preserve, honor and champion the relevance today of the life and leadership of Dwight D. Eisenhower and to keep his inspiration and legacy alive; and

WHEREAS, Dwight D. Eisenhower's hometown of Abilene, Kansas, will commemorate his 125<sup>th</sup> birthday with the groundbreaking of a new Eisenhower Elementary School: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That October 14, 2015, is designated Eisenhower Day, commemorating Dwight D. Eisenhower's birthday; and

*Be it further resolved:* That the legislature encourages the schools of Kansas to participate in IKE Education programs at the Dwight D. Eisenhower Library, Museum and Boyhood Home which provide innovative educational opportunities for the young people of Kansas to learn about the life and times of Dwight D. Eisenhower. The legislature further encourages the citizens of Kansas to show support for Dwight D. Eisenhower by visiting the Eisenhower Presidential Center in Abilene, Kansas, purchasing the newly minted "I Like Ike" Kansas license plate and supporting the campaign to renovate the Eisenhower Presidential Museum in Abilene, Kansas; and

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

On emergency motion of Senator Arpke **SR 1746** was adopted by voice vote.

Guests introduced were Meredith Sleichter, Mack Teasley, Inge Teasley, Mitzi Gose, Tim Holm.

Senators honored the guests with a standing ovation.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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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: **Sub SB 38**, **HB 2104**, and **Sub HB 2159**.

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator King moved the Senate concur in House amendments to **Sub SB 38**.

**Sub SB 38**, AN ACT concerning patent infringement; relating to bad faith assertions of patent infringement; Kansas consumer protection act.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson,

Wagle, Wilborn, Wolf.

Absent or Not Voting: Haley, Hawk.

The Senate concurred.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2104** submits the following report:

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

On page 8, following line 42, by inserting:

"New Sec. 6. Each political party which is a recognized political party in accordance with K.S.A. 25-302a, and amendments thereto, shall have procedures to select a presidential nominee and shall select a presidential nominee in accordance with such party procedures for the 2016 presidential election, and every fourth year thereafter.

New Sec. 7. (a) On and after January 1, 2017, all primary elections for members of the governing body and other elected officials of any municipality shall be held on the first Tuesday in August of 2017 and on such date thereafter of odd-numbered years, and all general elections for members of the governing body and other elected officials of any municipality shall be held on the Tuesday succeeding the first Monday in November of 2017 of odd-numbered years and on such date thereafter.

(b) The term of members of governing bodies and other elected officials of any municipality that would expire at any time in 2017 shall expire on the second Monday in January of 2018, when newly elected members of the governing body and other newly elected officials shall take office.

(c) The governing body of the municipality shall establish by ordinance or resolution terms of office of elected officials to comply with this act.

(d) Primary elections for any municipality shall be conducted as provided in K.S.A. 25-202, and amendments thereto. A primary election shall only be required as provided in K.S.A. 25-2021 and 25-2108a, and amendments thereto, or as otherwise required by law.

(e) The filing deadline for all candidates for any municipality, unless otherwise provided by law, shall be as provided in K.S.A. 25-205, and amendments thereto.

(f) Any person who meets the qualifications for the office sought may become a candidate for municipal office by filing a declaration of intent to become a candidate with the county election officer accompanied by a filing fee of \$20.

(g) "Municipality" means: (1) Any city, consolidated city-county created under K.S.A. 12-340 et seq., and amendments thereto, and K.S.A. 2014 Supp. 12-360 et seq., and amendments thereto, school district, any board of public utilities created under K.S.A. 13-1220 et seq., and amendments thereto, community college, drainage district, extension district created under K.S.A. 2-623 et seq., and amendments thereto, irrigation district, improvement district created under K.S.A. 19-2753 et seq., and amendments thereto, water district created under K.S.A. 19-3501 et seq., and amendments thereto, and hospital district created under K.S.A. 80-2501 et seq., and amendments thereto.

(2) The term does not include any special district where the election of members of

the governing body is conducted at a meeting of the special district.

(h) Cities may provide for elections of elected officials in even-numbered years in order to provide for staggered terms of office or for three-year terms of office for elected officials.

New Sec. 8. (a) A city shall continue to operate under its current form of government whether established at an election, or by adoption of a charter ordinance or ordinance until such time that the city's form of government is changed as provided by law.

(b) All existing ordinances and charter ordinances relating to a city's form of government, except those provisions relating to the timing of city primary and general elections, shall remain in effect until amended or repealed by such city.

New Sec. 9. (a) Subject to subsection (b) and section 10, and amendments thereto, any city may adopt by ordinance one of the following forms of government:

- (1) Commission;
- (2) mayor-council;
- (3) commission-manager;
- (4) mayor-council-manager;
- (5) council-manager; or
- (6) any other form of government authorized by law or by ordinance or charter ordinance of the city.

(b) Any city which has operated for four or more years under a form of government may abandon such form and adopt a different form of government. The provisions of K.S.A. 12-184, and amendments thereto, shall govern the procedure for the adoption or abandonment of such form of government.

(c) The governing body of the city may establish by ordinance any of the following:

- (1) The powers and duties of the governing body, including the mayor and other elected officials;
- (2) the terms of office of members of the governing body, including the mayor and other elected officials of either two, three or four years;
- (3) the election by ward or district of members of the governing body, if applicable;
- (4) the powers and duties of the city manager, if applicable;
- (5) the administrative departments of the city; and
- (6) other matters deemed appropriate by the governing body.

New Sec. 10. (a) Any city may adopt the commission-manager, mayor-council manager or council manager form of government in the manner herein provided and shall thereafter be governed by the provisions of this act. A proposition to adopt such form of government must first be submitted to a vote of the qualified electors of the city at any primary or general election. The governing body of the city may submit the proposition by resolution and must submit it upon the filing of a petition signed by at least 10% of the qualified electors of the city. The petition shall be headed "Petition for an election of the city of \_\_\_\_\_, Kansas, to vote on the adoption of the \_\_\_\_\_ (commission-manager, mayor-council manager or council manager) form of government," and shall be addressed to the governing body of the city, and be filed with the election officer of the county in which the city is located. The petition shall conform to the requirements of article 36 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and its sufficiency shall be determined in the

manner therein provided and shall be certified to the city clerk by the county election officer.

(b) The resolution or the petition shall establish the membership and terms of office of the governing body. Upon the adoption of a resolution or the certification of a petition as provided in this section, the governing body of the city shall submit the proposition at the next primary or general election. Notice thereof shall be published in the manner provided by K.S.A. 25-105, and amendments thereto.

(c) The form of the ballots to be used at the election shall be as follows:

"Shall the city of \_\_\_\_\_ adopt the \_\_\_\_\_ (commission-manager, mayor-council manager or council manager) form of government and become a city operating under such form of government?"

Yes  No

If a majority of the votes cast shall be in favor of adopting the commission-manager, mayor-council manager or council manager plan of government, then at the next regular city election the governing body of the city shall be elected as provided in the resolution or petition.

New Sec. 11. (a) The governing body shall establish by ordinance the qualifications, oath and powers and duties and terms of office of the governing body.

(b) Any action taken by the city governing body shall be by a majority vote of the members unless a greater number of votes are specifically required by another provision of law.

(c) The city governing body shall appoint a city manager to be responsible for the administration and affairs of the city. The city manager shall see that all laws and ordinances are enforced. The city manager shall serve at the pleasure of the governing body.

(d) The city manager shall appoint and remove all heads of departments and all subordinate officers and employees of the city. All appointments shall be made upon merit and fitness alone.

New Sec. 12. Any city operating under the provisions of this act may abandon the commission-manager, mayor-council manager or council manager form of city government in the same manner as is provided in section 10, and amendments thereto, for the adoption of such form of city government except as herein otherwise provided, and except that the word "abandonment" instead of the word "adoption" shall be used in the petition therefor, and the word "abandon" instead of the word "adopt" shall be used in the form of the ballot and in the election proclamation. If a majority of votes cast upon the proposition shall be in favor of abandoning the commission-manager, mayor-council manager or council manager form of city government, then the city shall operate under the alternative form of government established in the resolution or petition.

New Sec. 13. (a) All unified school districts shall make suitable school buildings available for polling places at the request of a county election officer for the county in which all or any portion of the school district is located.

(b) The county election officer shall give notice on or before January 1 of each year to the superintendent of the school district of the need to use one or more school buildings as polling places for any primary or general election.

(c) The terms "primary election" and "general election" shall have the meanings as provided in K.S.A. 25-2502, and amendments thereto.

New Sec. 14. (a) The secretary of state shall develop a public information program to inform the public generally of changes made as a result of moving spring elections to fall elections. Such public information program shall include, at a minimum, the explanation of which public office elections are being transferred from spring to fall elections. The program shall include the use of advertisements and public service announcements as well as posting of information on the opening pages of the official internet websites of the secretary of state and county election officers. The secretary of state and county election officers shall develop dedicated websites to provide voter education and sample ballots for elections.

(b) The county election officers in consultation with the secretary of state shall develop ways to reduce the ballot length and expedite the voting process on election days.

New Sec. 15. (a) The secretary of state shall develop the style and form of the official primary ballot and the official general election ballot for municipal offices.

(b) The declaration of intent to become a candidate shall be prescribed by the secretary of state. The declarations shall be filed with the county election officer not later than 12 noon, June 1, prior to the primary election in both even-numbered and odd-numbered years, 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.

(c) For municipalities where a primary election is not authorized or otherwise required by law, the declaration of intent to become a candidate shall be filed with the county election officer not later than 12 noon, September 1, prior to the general election in odd-numbered years, 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.

(d) The secretary of state shall establish primary election procedures for primary elections for municipalities.

(e) The secretary of state shall establish general election procedures for general elections for municipalities.

(f) County election officers shall conduct municipal elections in odd-numbered years and elections in even-numbered years if needed.

(g) The secretary of state shall adopt rules and regulations to implement this section on or before July 1, 2016.

New Sec. 16. Sections 7, 8 and 13 through 16, and amendments thereto, may be cited as and shall be known as the help Kansas vote act.

Sec. 17. K.S.A. 2-623 is hereby amended to read as follows: 2-623. (a) Prior to July 1 of any year, any two or more county extension councils may establish an extension district composed of all of the counties of such councils by entering into an agreement in accordance with this section to combine the extension programs for each county involved into one extension program serving the extension district. No such agreement shall be effective unless such agreement has received the prior approval of: (1) The board of county commissioners of each county included in the proposed extension district, subject to the provisions of subsection (i); (2) the executive board of the extension council of each county included in the proposed extension district and the director of extension of Kansas state university of agriculture and applied science, or the director's authorized representative, acting together as a body; and (3) the attorney general in accordance with subsection (h).

(b) Prior to July 1 of any year, one or more county extension councils and the

governing body of any existing extension district may establish a new extension district by entering into an agreement in accordance with this section to combine the extension programs for each such county and such district into one extension program serving a new extension district composed of all counties represented by such county extension councils and the area served by the existing extension district. No such agreement shall be effective unless such agreement has received the prior approval of: (1) The board of county commissioners of each county being added to the existing extension district, subject to the provisions of subsection (i); (2) the executive board of the county extension council of each county being added to the existing extension district, the governing body of the existing extension district and the director of extension of Kansas state university of agriculture and applied science, or the director's authorized representative, acting together as a body; and (3) the attorney general in accordance with subsection (h).

(c) On July 1 after the approval under subsection (a) or (b) of an agreement to establish an extension district, such extension district is hereby established and shall constitute a body corporate and politic possessing the usual powers of a corporation for public purposes under the name of "extension district no. \_\_\_\_\_ (the number designated by the director of extension), \_\_\_\_\_ counties (naming the counties included within the district), state of Kansas." Each extension district is a taxing subdivision and has the power to contract, sue and be sued and to acquire, hold and convey real and personal property in accordance with law.

(d) Upon the establishment of an extension district under subsection (a) or (b), all of the personnel and property of each of the extension programs which are combined into the new district extension programs shall be transferred to the new extension district and shall be subject to the authority of the governing body of the extension district in accordance with the agreement to establish the extension district.

(e) Upon the establishment of an extension district under subsection (a), the board of county commissioners of each county joining in the establishing of an extension district shall appoint four qualified electors to membership on the governing body of the district. The terms of all members so appointed shall commence on July 1 following their appointment. Of the members so appointed two members shall serve for terms ending upon the election and qualification of their successors at an election held on the ~~first Tuesday in April of the first odd-numbered year following their appointment and two members shall serve for terms ending upon the election and qualification of their successors at an election held on the first Tuesday in April of the second odd-numbered year following their appointment~~ following the first Monday in November of the first odd-numbered year following their appointment and two members shall serve for terms ending upon the election and qualification of their successors at an election held on the Tuesday succeeding the first Monday in November of the second odd-numbered year following their appointment.

(f) In the case of one or more counties being included in an existing extension district under subsection (b), the board of county commissioners of each county being included in an existing extension district shall appoint four qualified electors of the county to membership on the governing body of the expanded district. The terms of all members so appointed shall commence on July 1 following their appointment. Of the members so appointed two members shall serve for terms ending upon the election and qualification of their successors at an election held on the ~~first Tuesday in April of the~~

~~first odd-numbered year following their appointment and two members shall serve for terms ending upon the election and qualification of their successors at an election held on the first Tuesday in April of the second odd-numbered year following their appointment Tuesday following the first Monday in November of the first odd-numbered year following their appointment and two members shall serve for terms ending upon the election and qualification of their successors at an election held on the Tuesday following the first Monday in November of the second odd-numbered year following their appointment.~~ The offices of the members of the governing body of the existing extension district shall continue in existence and the persons in such offices shall be members of the governing body of the expanded extension district which is established on July 1 for the remainder of their existing terms of office.

(g) In addition to other required provisions, each agreement entered into under this section shall specify the permissible method or methods to be employed in disposing of the assets and liabilities of the extension district in the event that one or more counties withdraw from the extension district under K.S.A. 2-628, and amendments thereto.

(h) Each agreement entered into under this section or under K.S.A. 2-628, and amendments thereto, prior to and as a condition precedent to its entry into force, shall be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with this act and the other laws of Kansas. The attorney general shall approve any agreement submitted for approval under this section or K.S.A. 2-628, and amendments thereto, unless the attorney general finds that the submitted agreement does not meet the requirements of this act. In such case, the attorney general shall specify in writing to the proposed parties to the agreement and to each other entity required to approve the agreement, the specific respects in which the proposed agreement fails to meet the requirements of law. Failure by the attorney general to disapprove an agreement submitted pursuant to this subsection within 90 days of its submission shall constitute approval of the agreement by the attorney general.

(i) Prior to approving an agreement under this section, the board of county commissioners of each county to be included in a proposed extension district under subsection (a) or to be added to an existing extension district under subsection (b), as the case may be, shall adopt a resolution stating the intention of the board of county commissioners to approve such agreement and specifying the counties that are to be included in the extension district. Such resolution shall be published once each week for two consecutive weeks in the official county newspaper. If, within 60 days following the last publication of the resolution, a petition in opposition to the approval of the agreement and the inclusion of the county in the extension district is signed by not less than 5% of the qualified electors of the county and is filed with the county election officer, such board of county commissioners shall not approve such agreement and the county shall not be included in the extension district unless and until the same is approved by a majority of the qualified electors of the county voting thereon at a primary election or general election or at a special election called and held for such purpose. Any such special election shall be called, noticed and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto.

Sec. 18. K.S.A. 2014 Supp. 2-624 is hereby amended to read as follows: 2-624. (a) The governing body of each extension district shall be composed of four representatives from each county included in the extension district. At the conclusion of the terms of

the members first appointed to membership on the governing body of the district, the four members representing each county in an extension district shall be elected in a county-wide election by the qualified electors of the county.

(b) At the conclusion of the terms of the members first appointed to membership on the governing body of the district, each member of the governing body shall hold office for a term of four years and until such member's successor is elected and qualified. Each such term of office shall commence on the date of receipt of certification of election by the member elected and shall continue until the member's successor is elected and qualified.

(c) (1) ~~Except as otherwise provided in this act, an~~ The election to elect successors to members of the governing body whose terms are expiring shall be held on the ~~first Tuesday in April~~ following the first Monday in November of each odd-numbered year.

(2) Elections to choose members of the governing body of an extension district shall be conducted, the returns made and the results ascertained in the manner provided by law for general county elections except as otherwise provided by this act. ~~Not later than 12 noon of the Tuesday, 10 weeks preceding the first Tuesday in April in election years, each person desiring to be a candidate for membership on the governing body, in any election, shall file a declaration of candidacy, accompanied by a filing fee of \$5, with the county election officer of the county represented by the member of the governing body whose successor is to be elected, as a candidate in such election. The county election officer shall remit such filing fees to the county treasurer for deposit in the county general fund. The county election officer in making up the ballots and in placing the names thereon shall place the names on the ballots in alphabetical order. Any person desiring to be a candidate for election to the governing body shall file a candidate's declaration of intention with the county election officer of the county represented by the member of the governing body whose successor is to be elected. Such candidate's filing shall be made in the manner as provided in section 15, and amendments thereto, and K.S.A. 25-205, and amendments thereto.~~

(3) ~~The county election officer of each county within the extension district shall appoint election boards as provided by law for other elections and shall designate places for holding the election. The county election officer shall cause to be ascertained the names of all persons within the district who are qualified electors, and shall furnish lists thereof to the judges of the election. Notice of the time and place of holding each election, signed by the county election officer, shall be given in a newspaper published in the county and posted in a conspicuous place in the office of the governing body at least five days before the holding thereof shall be published by the county election officer in a newspaper published in the county in accordance with K.S.A. 25-105 and 25-209, and amendments thereto.~~

(4) ~~All direct election expenses shall be paid by the extension district. Election officials shall receive the same compensation as provided under the general election laws.~~

(d) Any vacancy in the membership of the governing body of an extension district shall be filled by appointment by the governing body for the unexpired term of office. Each member so appointed shall be a resident of the county which was represented by the member creating the vacancy.

(e) The governing body of each extension district shall organize annually in ~~July~~ January by electing from among its members a chairperson, vice-chairperson, secretary

and treasurer.

Sec. 19. K.S.A. 13-1220 is hereby amended to read as follows: 13-1220. ~~In each city of the first class that now has or hereafter acquires a population of more than one hundred thousand inhabitants, which now or hereafter owns and operates a municipal waterworks plant and a municipal electric-light plant, there shall be~~ Any city may establish an administrative agency known as the board of public utilities of such city, to be elected in the manner hereinafter provided. The board shall manage, operate, maintain and control the daily operation of the water plant and electric-light plant of such city, and shall make all such rules and regulations as are necessary for the safe, economical and efficient operation and management of such water plants and electric-light plants. The board may also improve, extend or enlarge the water plants and electric-light plants as hereinafter provided, and furnish a supply of water, light, heat and power for domestic, industrial and municipal purposes.

Sec. 20. K.S.A. 13-1221 is hereby amended to read as follows: 13-1221. (a) The board of public utilities shall consist of six members, three of which shall be nominated and elected by the city at large and three of which shall be elected by the qualified electors of the city within each of the districts established pursuant to subsection (b). Members of the board shall be elected on a nonpartisan basis. Members elected to the board of public utilities after the effective date of this act shall hold their offices for terms of four years, and until their successors are elected and qualified. Each of the members elected from districts shall be qualified voters of the districts from which elected. Elections of members of the board shall be held at ~~the time of the general city election in odd-numbered years.~~ The provisions of article 17 of chapter 13 of the Kansas Statutes Annotated, pertaining to the election and removal of officers, shall govern so far as applicable.

(b) The board shall elect from its own number a president and vice-president and shall appoint a secretary. ~~Notwithstanding the provisions of K.S.A. 13-1222, relating to a quorum for the transaction of business and a vote for action by the board,~~ Any vacancy occurring in the board shall be filled by a majority vote of the members remaining on the board. Where a vacancy has occurred in the membership of any board of public utilities, a member selected to fill such vacancy shall serve until the next ~~city~~ November in odd-numbered years election, at which time a successor shall be elected to serve the remainder of the unexpired term, if any.

(b) ~~The districts numbered 1, 2 and 3 established in 1979 shall be subject to alteration at the first meeting of the board in each fourth year thereafter, but such alteration shall only be for the purpose of establishing and maintaining the equality of population among the districts.~~

Sec. 21. K.S.A. 19-2760 is hereby amended to read as follows: 19-2760. (a) An election shall be held in each improvement district on the Tuesday following the first Monday in November ~~of 1978~~ and of each ~~even-numbered~~ odd-numbered year thereafter for the purpose of electing three directors of such district, except that the first election following the establishment of such district shall be held at a time fixed by the board of county commissioners of the county in which the district is located.

(b) The directors of an improvement district shall serve for terms of two years; ~~except that directors elected prior to the Tuesday following the first Monday in November, 1978, and directors elected at the first election following the establishment of the district shall serve until their successors are elected.~~

- (c)(1) ~~From and after July 1, 2006,~~ Each director shall:
- (A)(1) Own land within the improvement district; or
- (B)(2) reside in the improvement district.
- (2) ~~Notwithstanding the provisions of paragraph (1), each director elected on or before June 30, 2006, shall be allowed to serve the remainder of such director's current term of office.~~

Sec. 22. K.S.A. 19-3505 is hereby amended to read as follows: 19-3505. (a) Except as otherwise provided by this section, the governing body of any water district to which this section applies shall be a five-member board holding positions numbered one to five, inclusive. Each member shall be elected and shall hold office from ~~May 1~~ following such member's election until April 30, the second Monday in January succeeding such member's election until four years thereafter and until a successor is elected and has qualified.

The first election of members of the governing body of any water district created after the effective date of this act shall be held on the first Tuesday in August of any even-numbered year, at which time members shall be elected for terms beginning on September 1 of the same year, and ending on April 30 of the third year following the beginning of such term, to positions numbered three, four and five. At such first election, members shall be elected for terms ending on April 30 of the first year following the beginning of such terms, to positions numbered one and two. Members first elected to positions one and two shall have terms of approximately eight months. Elections shall be ~~thereafter held on the first Tuesday in April of each odd-numbered year~~ following the first Monday in November of each odd-numbered year for the member positions whose terms expire in that year.

(b) From and after April 30, 1991, the governing body of the water district shall be composed of seven members. At the election held in 1991, positions numbered 1, 2, 6 and 7 shall be elected to four-year terms. At the election in 1993, positions numbered 3, 4 and 5 shall be elected to four-year terms.

(c) Elections shall be held on the ~~first Tuesday in April of each odd-numbered~~ following the first Monday in November of each odd-numbered year for the positions which terms expire in that year. Members shall hold office from ~~May 1, the second Monday in January~~ following such member's election until April 30, four years thereafter and until a successor is elected and qualified. All elections shall be nonpartisan and shall be called and conducted by the county election officer. Laws applying to other local elections occurring at the same time and in the same locality shall apply to elections under this act to the extent that the same can be made to apply. Notice of the time and place of holding each election shall be published by the county election officer in a newspaper published in the county in accordance with procedures established in K.S.A. 25-105 and 25-209, and amendments thereto.

(d) In January, following each election, the board shall organize and not later than the second regular meeting following each election shall select from among its members a chairperson and a vice-chairperson. The vice-chairperson shall preside over any meetings at which the chairperson is not present. Vacancies occurring during a term shall be filled for the unexpired term by appointment by the remaining members. All members shall take an oath of office as prescribed for other public officials. The members of the board shall be qualified electors in the water district. Prior to accepting office, the water district shall obtain for each member-elect a corporate surety bond to

the state of Kansas in the amount of \$10,000, conditioned upon the faithful performance of the member's duties and for the true and faithful accounting of all money that may come into the member's hands by virtue of the office. Such bonds shall be filed in the office of the county clerk for the county in which the major portion of such water district is located after approval by the board of county commissioners of such county.

(e) Each member of the board shall receive a monthly salary in an amount determined by the board and shall be reimbursed for all necessary and reasonable expenses incurred in performing official assigned duties.

Sec. 23. K.S.A. 19-3507 is hereby amended to read as follows: 19-3507. (a) The water district election shall be held in each election precinct, a part or all of which is located within such water district, except that if no other election is being held in a given election precinct on the same date as the water district election, the county election officer may provide one or more convenient voting places where the water district electors of such precinct may vote, which may be a voting place located in another precinct. The county election officer shall designate such voting places and the persons entitled to vote thereat in the election notice. The county election officer shall make a report in writing to the board of county commissioners of such election precincts and voting places, which report shall be filed with the county clerk of the county or counties in which such precincts and voting places are located and an entry thereof made upon the journal of the board or boards of county commissioners of such county or counties and if any change shall be made in such voting precincts and voting places by the county election officer, the same shall in like manner be reported to the board or boards of county commissioners, filed and entered as aforesaid. The polls for any election held under this act shall be open between the hours of 7:00 a.m. and 7:00 p.m.

~~All(b) Any qualified persons person desiring to be voted upon as a candidate for a position as a member of such board shall on or before 12:00 o'clock noon on the Tuesday which precedes by 10 weeks the first Tuesday in April of the year in which the election is being held, which date shall be stated in the publication notice of the election, file a candidate's declaration of intention in the manner provided in section 15, and amendments thereto, and K.S.A. 25-205, and amendments thereto, with the county election officer, a statement directing such officer to place such person's name on the ballot as a candidate for member of the board of the water district in such election, indicating the number of the position for which such person is filing. No candidate shall be permitted to withdraw as a candidate after the deadline for filing such statements of candidacy. There shall be no primary election for members of the water district board. The county election officer shall publish names of all candidates in a newspaper of general circulation within the water district not less than 10 days before such election in accordance with K.S.A. 25-209, and amendments thereto. The county election officer shall provide for use of voting machines or printed ballots in each election precinct or voting place. Where printed ballots are prepared, the same shall be done at the expense of the water district. The names of candidates for each member position shall be rotated on the ballots in such a manner that each candidate shall be given an equitable opportunity to have such candidate's name appear first on the ballot.~~

(c) Where the only election being conducted in an election precinct or voting place is the water district election, The cost of providing judges and clerks in such precinct or voting place shall be borne entirely by the water district, but where held in conjunction

with other elections, the cost shall be prorated in the manner provided by article 22 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto.

(d) At least five days before any election, the county election officers of the various counties within which a portion of such district is located, in cooperation with the water district board, shall determine the voting areas where no other elections will be held in conjunction with the water district and the names of all qualified electors residing in the water district and located in such precincts and shall determine the election precincts which contain only a part of the water district and the names of all qualified electors residing in the water district and in such election precincts. A list of the qualified electors determined as hereinbefore provided shall be furnished by the county election officer to the judges of the voting precincts or voting places where such electors are entitled to vote.

(e) Qualified electors of any election precinct, the entirety of which is within the water district, shall be entitled to vote in such precinct and a separate list of their names need not be furnished.

(f) A voter shall not be eligible to vote in any election precinct other than the one in which such person resides unless no election is being held in such precinct, in which event, such voter shall be entitled to vote in the voting place designated by the county election officer.

(g) Such list furnished by the county election officer to the judges of each precinct shall be conclusive at all elections, except that one desirous of voting, whose name does not appear on such list, may proceed to the county election officer of the county and such officer may administer oaths and affirm witnesses to determine the right of anyone to vote who may claim erroneous omission from such list, and if such officer issues a certificate entitling the voter to vote, such certificate shall be accepted by the judges and clerks of the election. The list so furnished by the county election officer shall be conclusive at all elections held within the same year that the list is furnished.

Sec. 24. K.S.A. 2014 Supp. 24-412 is hereby amended to read as follows: 24-412.

(a) ~~Subject to the provisions of subsection (b), except as otherwise provided in this section, an election to choose three directors in each district as their successors, shall be held on the first Tuesday in April, 1983, and an election shall be held each four years thereafter, on the first Tuesday in April, to choose directors.~~ An election to choose three directors in each district shall be held on the Tuesday following the first Monday in November of 2017, and an election shall be held each four years thereafter, on the Tuesday following the first Monday in November, to choose directors. Any director elected in any district in 2015 shall hold such office until such successor is elected and qualified.

(b) On and after January 1, 2012, the board of directors of drainage district No. 2 of Finney county, Kansas, shall be elected as provided in K.S.A. ~~2012~~ 2014 Supp. 24-139a, and amendments thereto.

Sec. 25. K.S.A. 2014 Supp. 24-414 is hereby amended to read as follows: 24-414.

(a) Elections to choose directors shall be conducted, the returns made and the results ascertained in the manner provided by law for general county elections except as otherwise provided by law, and ~~all persons desiring to be voted upon as director, in any election, shall, not later than 12 noon of the Tuesday, 10 weeks preceding the first Tuesday in April in election years, file a declaration of candidacy;~~ any qualified person desiring to be a candidate for director shall file a candidate's declaration of intention in

the manner provided in section 15, and amendments thereto, and K.S.A. 25-205, and amendments thereto, accompanied by a filing fee of ~~\$5~~ \$20, with the county election officer of the county wherein the district is located, ~~as a candidate in such election,~~ and the election officer in making up the ballots ~~and in placing the names thereon shall place the names on the ballots in alphabetical order, but the returns of all special or bond elections shall be made to the secretary and canvassed by the board of directors.~~ The county election officer shall remit such filing fees to the county treasurer for deposit in the county general fund. ~~The county election officer of the county wherein the drainage district is situated shall appoint election boards as provided by law for other elections and shall designate places for holding the election.~~ The county ~~election officer~~ shall cause to be ascertained the names of all persons within the district who are also qualified electors, and shall furnish lists thereof to the judges of the election.

(b) Notice of the time and place of holding each election, ~~signed by the county election officer,~~ shall be ~~given~~ published in a newspaper published in the county in accordance with procedures established in K.S.A. 25-105 and 25-209, and amendments thereto, and posted in a conspicuous place in the office of the board of directors at least five days before the holding thereof. At all elections and meetings held under the provisions of this act, only persons who are qualified electors shall be entitled to vote. In counties having a population of more than 150,000, at all elections and meetings held under the provisions of this act, only persons who are taxpayers and residents of the district who are qualified electors shall be entitled to vote. All election expenses shall be paid for out of the general fund of the drainage district. Election officials shall receive the same compensation as provided under the general election laws.

(c) As used in this section, "taxpayer" means any person who owns any real property or tangible property within the district who pays taxes assessed on such property.

Sec. 26. K.S.A. 2014 Supp. 24-459 is hereby amended to read as follows: 24-459.

(a) The board of directors of any drainage district incorporated pursuant to K.S.A. 24-458, and amendments thereto, shall consist of three qualified persons as defined in ~~paragraph (3) of subsection (e) of this section~~ (3).

(b) The directors for the first term after the incorporation of the drainage district shall be selected and designated in the petition for the incorporation of the district and shall be declared directors by the county commissioners to which the petition is presented.

(c) The directors shall hold office until ~~the first Tuesday in April next~~ second Monday in January of the next even-numbered year after the incorporation of the district, at which time and every four years thereafter directors shall be elected at the November odd-year elections and shall hold their office for the term of four years and until their successors are elected and qualified.

(d) Every qualified person of the district shall be entitled to vote at the election or at any election which may be held in the district.

(e) For the purposes of this section:

(1) "Owner" or "person who owns land" means any person or entity who is the record owner of the fee in any real estate in the district or the fee in the surface rights of any real estate in the district, but the owners of an oil and gas lease, mineral rights or interest, easements or mortgages as such shall not be considered owners, and school

districts, cemetery associations, and municipal corporations shall not be considered owners.

(2) "Taxpayer" means any owner who has paid all taxes currently due on such real estate.

(3) "Qualified person" means any taxpayer 18 years of age or older, whether a resident of the district or not. A taxpayer who is a qualified person and who is not an individual may designate an individual to cast its vote or to serve as a director of the district.

(f) The county clerk shall determine the qualified persons entitled to vote at any election in the district. Any entity desiring to vote at an election shall register the name of its designated representative with the county election officer no later than ~~14~~ 21 days in advance of any such election.

Sec. 27. K.S.A. 24-504 is hereby amended to read as follows: 24-504. Whenever a majority of the counties to be included within the proposed drainage district have reported in favor of the organization of ~~said the~~ drainage district, under the provisions of this act, the secretary of state shall report ~~such the~~ fact to the governor of Kansas, who shall ~~forthwith~~ declare, by suitable proclamation, the territory described in ~~said the~~ petition and set forth in the reports of ~~said the~~ commissioners to constitute a public corporation, and the freeholders owning lands within ~~such the~~ bounds, and resident within the state of Kansas, to be incorporated as a drainage district under the name designated in ~~said the~~ petition, and ~~therefor~~ the ~~said~~ territory and the freeholders thereof, who are residents of the state of Kansas, and their successors, shall constitute a body politic and corporate under ~~said the~~ corporate name and shall give perpetual succession.

In ~~said the~~ proclamation the governor shall designate the ~~last Tuesday of the next succeeding calendar month~~ Tuesday following the first Monday in November of the odd-numbered year following the issuing of ~~said the~~ proclamation on which an election shall be held in each of the counties to be included within the proposed drainage district for the purpose of electing directors of ~~said the~~ corporation, in number and in the manner hereinafter provided. The secretary of state shall make and keep full and complete records of the organization of all drainage districts organized under the provisions of this act, showing the findings and decisions of the boards of county commissioners and all of the acts of the governor in connection with the organization thereof, a true and correct copy of which he shall forward to the ~~said~~ boards of county commissioners within five days after the issuing of the governor's proclamation provided for in this section, and they shall spread the same upon their records.

Sec. 28. K.S.A. 2014 Supp. 24-506 is hereby amended to read as follows: 24-506.

(a) The board of directors of any drainage district incorporated pursuant to K.S.A. 24-501 et seq., and amendments thereto, shall consist of one person from each county in the district if the number of counties is odd, but if the number of counties is even, then there shall be an additional director at large. If the drainage district is located wholly within one county, the number of directors shall be three. Except as provided in subsection (b), the directors shall be freeholders who shall be residents of Kansas, whose lands in whole or in part are located within the district. The directors shall hold their offices for a term of four years and until their successors are elected and qualified. Elections to choose directors, except the first, shall be held on the ~~first Tuesday in April~~ Tuesday following the first Monday in November of the next odd-numbered year and

every four years thereafter.

(b) If there are no residents in the drainage district, any owner of land within the district shall be a qualified voter and shall be qualified to hold the office of director.

Sec. 29. K.S.A. 2014 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.	Street Number or Rural Route (as registered).	Name of City.	Date of Signing.
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All nomination petitions shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

(c) Each signer of a nomination petition shall sign but one such petition for the same office, and shall declare that such person intends to support the candidate therein named, and shall add to such person's signature and residence, if in a city, by street and number (if any); or, otherwise by post-office address. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address they shall be continuous and clearly made. Such sheets shall not be cut or pasted together.

(d) All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit described in this paragraph of a petition circulator as defined in K.S.A. 2014 Supp. 25-3608, 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.

(i) Primary elections for candidates for municipal office shall be held when otherwise required by law. The names of candidates for municipal offices shall be printed upon the official primary ballot in odd-numbered year elections and in even-numbered years when needed. Persons shall become qualified to become a candidate by one of the following methods:

(1) They shall have filed, not later than 12 noon, on 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 otherwise provided by law; 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 \$20 fee required by law. Such declaration shall be prescribed by the secretary of state as provided in section 15, and amendments thereto.

Sec. 30. K.S.A. 25-209 is hereby amended to read as follows: 25-209. (a) As soon as possible after the filing deadline, the secretary of state shall certify to each county election officer the name and post-office address of each person who has filed valid nomination petitions or a declaration of intent to become a candidate for United States senator or representative or for state office, together with the designation of the office for which each is a candidate and the party or principle which the candidate represents.

(b) The county election officer shall forthwith, upon receipt thereof, publish for three (3) consecutive weeks in the official paper, a notice which shall set forth under the proper party designation, the title of each national, state, county and township office any part of the district of which is in the county, the names and addresses of all persons certified by the secretary of state as candidates for any national or state office any part of the district of which is in the county and, in addition thereto, the names and addresses of all persons from whom valid nomination papers or declarations have been filed in the county election officer's office, giving the name and address of each, the day of the primary election, the hours during which the polls will be open and stating that the primary election will be held at the regular voting places. Where such voting places are not well established and customarily known the published notice herein provided for shall give the location of such voting places.

(c) The secretary of state and county election officers shall utilize the procedures established in this section to the extent applicable for municipal elections conducted in the fall of both odd-numbered and even-numbered years when needed.

Sec. 31. K.S.A. 25-210 is hereby amended to read as follows: 25-210. (a) The

official primary election ballot for national and state offices and the official primary election ballot for county and township offices of each political party shall be arranged on the ballot, printed, voted, and canvassed in the same manner as is now or hereafter provided by law for the arrangement, printing, voting, and canvassing of official general ballots for national and state offices and official general ballots for county and township offices, except as otherwise provided by law.

(b) The official primary election ballot for municipal elections in odd-numbered years shall be arranged and printed by the county election officer.

Sec. 32. K.S.A. 25-212 is hereby amended to read as follows: 25-212. (a) In case there are nomination petitions or declarations of intention to become a candidate on file for more than one candidate or for more than one pair of candidates for governor and lieutenant governor, of the same party for any national or state office, the secretary of state shall divide the state or appropriate part thereof, into as many divisions as there are names to go on such party ballot for that office. Such divisions shall be as nearly equal in number of members of such party as is convenient without dividing any one county. In making such division the secretary of state shall take the alphabetical list of counties in regular order until the secretary of state gets the required proportion of party members of such party based upon the party affiliation lists as shown by the certificates of the respective county election officers, and so on through the list of counties until the secretary of state gets the proper proportion of party members in each division. The secretary of state shall also take the alphabetical list of candidates or pairs of candidates in regular order and in certifying to the county election officer the list of names for whom nomination petitions or declarations of intent to become a candidate have been filed, shall place one name or pair of candidates at the head of the list in the first division of counties, another in the second division, and so on with all the candidates for any particular office, so that every candidate or pair of candidates for any office shall be at the head of the list in one division of the state and second in another division thereof, and so forth. When, in the case of candidates for the office of congressman, district judge, district magistrate judge, state senator, state representative or state board of education member, the secretary of state finds that the secretary of state cannot get a fair proportion of party members to give each candidate for congressman, district judge, district magistrate judge, state senator, state representative or state board of education member in any given district an equitable or fair opportunity to have the candidate's name first on the ballot in the respective counties of the district, the secretary of state shall order the county election officers in the various counties of the district to rotate the names of the candidates for such district offices according to precinct. If voting machines are used the arrangement of names of candidates or pair of candidates for all offices on the voting machines shall be rotated, as near as may be, according to precinct.

The arrangement of the names certified by the secretary of state shall govern the county election officer in arranging the primary election ballot, and the county election officer in preparing the ballot for such officer's county shall follow the same arrangement as provided in this section for the secretary of state, for the candidates nominated for county offices, using the township and precincts of the county in making the division.

(b) The secretary of state by rules and regulations adopted on or before July 1, 2016, shall establish the arrangement of names as provided by law for the official primary ballot for municipal elections.

Sec. 33. K.S.A. 2014 Supp. 25-213 is hereby amended to read as follows: 25-213. (a) At all national and state primary elections, the national and state offices as specified for each in this section shall be printed upon the official primary election ballot for national and state offices and the county and township offices as specified for each in this section shall be printed upon the official primary election ballot for county and township offices.

(b) The official primary election ballots shall have the following heading:

OFFICIAL PRIMARY ELECTION BALLOT

\_\_\_\_\_ Party

To vote for a person whose name is printed on the ballot make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space, if any is provided, and make a cross or check mark in the square to the left.

The words national and state or the words county and township shall appear on the line preceding the part of the form shown above.

The form shown shall be followed by the names of the persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections, and for the national and state offices in the following order: United States senator, United States representative from \_\_\_\_\_ district, governor and lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of insurance, senator \_\_\_\_\_ district, representative \_\_\_\_\_ district, district judge \_\_\_\_\_ district, district magistrate judge \_\_\_\_\_ district, district attorney \_\_\_\_\_ judicial district, and member state board of education \_\_\_\_\_ district. For county and township offices the form shall be followed by the names of persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections in the following order: Commissioner \_\_\_\_\_ district, county clerk, treasurer, register of deeds, county attorney, sheriff, township trustee, township treasurer, township clerk. When any office is not to be elected, it shall be omitted from the ballot. Other offices to be elected but not listed, shall be inserted in the proper places. For each office there shall be a statement of the number to vote for.

To the left of each name there shall be printed a square. Official primary election ballots may be printed in one or more columns. The names certified by the secretary of state or county election officer shall be printed on official primary election ballots and no others. In case there are no nomination petitions or declarations on file for any particular office, the title to the office shall be printed on the ballot followed by a blank line with a square, and such title, followed by a blank line, may be printed in the list of candidates published in the official paper. No blank line shall be printed following any office where there are nomination petitions or declarations on file for the office except following the offices of precinct committeeman and precinct committeewoman.

(c) Except as otherwise provided in this section, no person's name shall be printed more than once on either the official primary election ballot for national and state offices or the official primary election ballot for county and township offices. No name that is printed on the official primary election ballot as a candidate of a political party shall be printed or written in as a candidate for any office on the official primary election ballot of any other political party. If a person is a candidate for the unexpired term for an office, the person's name may be printed on the same ballot as a candidate for the next regular term for such office. The name of any candidate on the ballot may

be printed on the same ballot as such candidate and also as a candidate for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for national and state offices shall be printed or written in elsewhere on such ballot or on the official primary election ballot for county and township offices except for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for county and township offices shall be printed or written in on the official primary election ballot for national and state offices or elsewhere on such county and township ballot except for precinct committeeman or committeewoman.

(d) No person shall be elected to the office of precinct committeeman or precinct committeewoman where no nomination petitions or declarations have been filed, unless the person receives at least five write-in votes. As a result of a primary election, no person shall receive the nomination and no person's name shall be printed on the official general election ballot when no nomination petitions or declarations were filed, unless the person receives votes equal in number to not less than 5% of the total of the current voter registration designated in the state, county or district in which the office is sought, as compiled by the office of the secretary of state, except that a candidate for township office may receive the nomination and have such person's name printed on the ballot where no nomination petitions or declarations have been filed if such candidate receives three or more write-in votes. No such person shall be required to obtain more than 5,000 votes.

(e) The secretary of state by rules and regulations shall develop the official ballot for municipal elections in odd-numbered year elections.

Sec. 34. K.S.A. 25-610 is hereby amended to read as follows: 25-610. (a) The secretary of state shall furnish to each county election officer forms for ballots in their respective counties. The secretary of state shall prepare a rotation of the different candidates appearing on the official general ballot for the national and state offices for each such office. Such rotation shall be developed and arranged so that each candidate shall have an equal opportunity as near as practicable for the respective offices to which they are nominated. In case there is more than one candidate for any national or state office, the secretary of state shall divide the state or part thereof, into as many divisions as there are names to go on the ballot for each particular office. In making such division the secretary of state shall divide, in regular order, the alphabetical list of counties into the required number of divisions, in such a manner that all divisions are as nearly equal as convenient in the number of registered voters in such division as compiled by the office of the secretary of state. The secretary of state, in certifying the list of names of candidates to the county election officers, shall assign, in regular order from the alphabetical list of candidates for each office, the ballot position for each candidate in such a manner that every candidate for any office shall occupy a different ballot position in each division. When, in the case of candidates for national or state offices elected on less than a statewide basis, the secretary of state finds it impossible to make a division which allows each such candidate in any given district an equitable or fair opportunity to have such candidate's name first on the ballot in the respective counties of the district, the secretary of state shall order the county election officers in the various counties of the district to rotate the names of the candidates for such district offices according to precinct to obtain an equitable division. The names of candidates for the same office but for different terms of service therein shall be arranged in groups

according to the length of their respective terms.

In the case of the governor and lieutenant governor running together, when the word "candidate" is used in this section, it shall mean pair of candidates.

(b) The secretary of state shall establish the general election ballot styles for general elections in odd-numbered year elections for municipalities by rules and regulations adopted on or before July 1, 2016.

Sec. 35. K.S.A. 2014 Supp. 25-611 is hereby amended to read as follows: 25-611.

(a) The arrangement of offices on the official general ballot for national and state offices for those offices to be elected shall be in the following order: Names of candidates for the offices of president and vice-president, United States senator, United States representative \_\_\_\_\_ district, governor and lieutenant governor running together, secretary of state, attorney general, (and any other officers elected from the state as a whole), state senator \_\_\_\_\_ district, state representative \_\_\_\_\_ district, district judge \_\_\_\_\_ district, district magistrate judge \_\_\_\_\_ district, district attorney \_\_\_\_\_ judicial district, and state board of education member \_\_\_\_\_ district.

(b) The arrangement of offices on the official general ballot for county and township ~~and municipal~~ offices for those offices to be elected shall be in the following order: Names of candidates for county commissioner \_\_\_\_\_ district, county clerk, county treasurer, register of deeds, county attorney, sheriff, township trustee, township treasurer, ~~and~~ township clerk.

(c) The secretary of state by rules and regulations adopted on or before July 1, 2016, shall develop the order of arrangement of municipal offices on the general election ballot in odd-numbered year elections.

Sec. 36. K.S.A. 2014 Supp. 25-618 is hereby amended to read as follows: 25-618.

(a) The official general ballot for county and township offices may be separate from the official general ballot for national and state offices or may be combined with the official general ballot provided for in K.S.A. 25-601, and amendments thereto. The secretary of state shall prescribe the ballot format but the ballot shall be substantially in the form shown in this section and K.S.A. 25-611, and amendments thereto.

STATE OF KANSAS  
OFFICIAL GENERAL BALLOT  
County and Township Offices  
County of \_\_\_\_\_, City (or Township) of \_\_\_\_\_  
November \_\_\_\_\_, \_\_\_\_\_ year

To vote for a person, make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space and make a cross or check mark in the square to the left.

FOR COUNTY COMMISSIONER  
\_\_\_\_\_ DISTRICT

Vote for One

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

FOR COUNTY CLERK

Vote for One

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

FOR COUNTY TREASURER

Vote for One

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

~~And continuing~~ Continue in like manner for all county and township offices to be elected.

(b) The official general election ballot style for municipalities shall be established by the secretary of state by rules and regulations adopted on or before July 1, 2016.

Sec. 37. K.S.A. 25-1115 is hereby amended to read as follows: 25-1115. (a) "General election" means ~~the election elections~~ held on the Tuesday ~~succeeding~~ following the first Monday in November of both even-numbered and odd-numbered years; ~~the elections held for officers on the first Tuesday in April~~, and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means ~~the election elections~~ held on the first Tuesday in August of both even-numbered and odd-numbered years; ~~the election held five weeks preceding the election on the first Tuesday in April~~, and any other preliminary election at which part of the candidates for special election to any national, state, county, city ~~or~~ school or other municipal office are eliminated by the process of the election but at which no officer is finally elected.

Sec. 38. K.S.A. 2014 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where ~~such the~~ person is a resident, or where ~~such the~~ person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, ~~such the~~ voter shall provide identification pursuant to K.S.A. 25-2908, and amendments thereto.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, ~~such the~~ voter shall provide with the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or a photocopy of any other identification provided by K.S.A. 25-2908, and amendments thereto.

(d) A voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto, if:

- (1) The voter is unable or refuses to provide current and valid identification; or
- (2) the name and address of the voter provided on the application for an advance voting ballot do not match the voter's name and address on the registration book. The

voter shall provide a valid form of identification as defined in K.S.A. 25-2908, and amendments thereto, to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) No county election officer shall provide an advance voting ballot to a person who is requesting an advance voting ballot to be transmitted by mail unless:

(1) The county election official verifies that the signature of the person matches that on file in the county voter registration records. Signature verification may occur by electronic device or by human inspection. In the event that the signature of a person who is requesting an advance voting ballot does not match that on file, the county election officer shall attempt to contact the person and shall offer the person another opportunity to provide ~~such~~ the person's signature for the purposes of verifying the person's identity. If the county election officer is unable to reach the person, the county election officer may transmit a provisional ballot, however, such provisional ballot may not be counted unless a signature is included therewith that can be verified; and

(2) the person provides such person's full Kansas driver's license number, Kansas nondriver's identification card number issued by the division of vehicles, or submits such person's application for an advance voting ballot and a copy of identification provided by K.S.A. 25-2908, and amendments thereto, to the county election officer for verification. If a person applies for an advance voting ballot to be transmitted by mail but fails to provide identification pursuant to this subsection or the identification of ~~such~~ the person cannot be verified by the county election officer, the county election officer shall provide information to ~~such~~ the person regarding the voter rights provisions of subsection (d) and shall provide ~~such~~ the person an opportunity to provide identification pursuant to this subsection. For the purposes of this act, Kansas state offices and offices of any subdivision of the state will allow any person seeking to vote by an advance voting ballot the use of a photocopying device to make one photocopy of an identification document at no cost.

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

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

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

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

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

~~(5)~~<sup>(3)</sup> For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

~~(6)~~<sup>(4)</sup> For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the last business day of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the county election officer shall determine the final date for mailing of advance voting ballots, but such date shall not be more than three business days before such election.

~~(7)~~<sup>(5)</sup> For any special election of officers, at such time as is specified by the secretary of state.

~~(8)~~<sup>(6)</sup> For the presidential preference primary, between January 1 of the year in which such primary is held and the last business day of the week preceding such primary election.

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

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

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

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

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

(i) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post

office address and the precinct, ward, township or voting area in which ~~such the~~ persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. ~~Such~~ Names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of ~~such the~~ applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make ~~such the~~ inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by ~~such the~~ officer stating ~~such the~~ person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

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

(k) The secretary of state may adopt rules and regulations in order to implement the provisions of this section and to define valid forms of identification.

Sec. 39. K.S.A. 25-2006 is hereby amended to read as follows: 25-2006. (a) "General election" means the election held for school officers on the ~~first Tuesday in April in any odd-numbered year, Tuesday following the first Monday in November of odd-numbered years,~~ and in the case of special elections of any school officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the election held ~~five weeks preceding the election~~ on the first Tuesday ~~in April in August of each odd-numbered year,~~ and any other preliminary election at which part of the candidates for special election to any school office are eliminated by the process of the election but at which no officer is finally elected.

Sec. 40. K.S.A. 25-2007 is hereby amended to read as follows: 25-2007. (a) "Question submitted election" means any election at which a special question is to be voted on by the electors of the state or a part of them.

(b) "County election officer" means:

(1) The election commissioner of the home county of the school district if such county has an election commissioner;

(2) the county clerk of the home county of the school district if the county does not have an election commissioner; and

(3) the county clerk ~~(or the election commissioner if there is one)~~ of the county in which all or the greater part of the population is located in the case of a nonunified school district. In the event that doubt exists concerning which public officer is the county election officer under this subpart, the secretary of state shall specify such officer and such specification shall be conclusive.

(c) "Filing deadline" means ~~the hour, date or time after which it is provided by law no person may become a candidate for election to public office; for school elections the filing deadline is 12:00 o'clock noon on the Tuesday which precedes by 10 weeks the first Tuesday in April of any odd-numbered year~~ the deadline established in K.S.A. 25-205, and amendments thereto.

Sec. 41. K.S.A. 25-2010 is hereby amended to read as follows: 25-2010. Election of board members and question submitted elections shall be conducted by the county election officer of the home county of the school district. Board member general elections shall be held on ~~the first Tuesday in April of each odd-numbered year. If a primary election is required to be held, such Tuesday following the first Monday in November of odd-numbered years. A primary election shall be held on the first Tuesday preceding by five weeks the first Tuesday in April of odd-numbered years~~ in August of odd-numbered years.

Sec. 42. K.S.A. 25-2014 is hereby amended to read as follows: 25-2014. Names of candidates appearing on the ballots in primary and general school elections shall be listed ~~in the various possible orders in rotation~~ order as provided in K.S.A. 25-212 and 25-610, and amendments thereto.

Sec. 43. K.S.A. 25-2017 is hereby amended to read as follows: 25-2017. Consistent with this act the county election officer shall prescribe the form ~~and time~~ of every publication notice applicable to any primary or general school election.

Sec. 44. K.S.A. 25-2017a is hereby amended to read as follows: 25-2017a. The clerk of the board of education of every school district shall certify to the county election officer of the home county of the school district a list of all school offices to be voted upon at each school election, any boundary changes of member districts since the last preceding election and the voting plan to be used as defined in K.S.A. 25-2005, and amendments thereto, not later than ~~January~~ May 1 of each odd-numbered year. A copy of the above information shall be furnished to the county election officer of every county in which a part of the territory of the school district is located.

Sec. 45. K.S.A. 25-2018 is hereby amended to read as follows: 25-2018. (a) Notices of board member elections and question submitted elections of a school district shall be made as provided in this section.

(b) On or before ~~January 15~~ June 10 of odd-numbered years, the county election officer shall publish a notice of election one time in a newspaper having general circulation in the school district. The notice for board member elections shall state: (1) The name of the school district; (2) the date of the general election; (3) the date of the primary election if one is held; (4) the filing deadline and the place of filing; and (5) the offices or positions to be filled.

(c) All notices provided for by this section shall be given in the form prescribed by the secretary of state to the extent that any notice or part thereof is prescribed by the secretary of state. The provisions of this section shall not be construed to require the

secretary of state to prescribe any particular form.

(d) ~~Not less than six weeks prior to the first Tuesday in April~~ On or before June 10 of each odd-numbered year, a notice of primary elections shall be published by the county election officer in a newspaper having general circulation in the school district, if a primary election is required to be held. The publication shall be made one time and shall state: (1) The name of the school district; (2) the date of the primary election; (3) the names of the candidates and the office or position for which each is a candidate; (4) the voting place or places and the area each voting place is to serve; and (5) the times of opening and closing of the polls. Description of areas shall be in the terms determined by the county election officer.

(e) ~~Not less than three days prior to the first Tuesday in April~~ On or before September 1 of each odd-numbered year, a notice of the general election shall be published by the county election officer one time in a newspaper having general circulation in the school district. The notice shall state: (1) The name of the school district; (2) the date of the general election; (3) the names of the candidates and the office or position for which each is a candidate; (4) the voting place or places and the area each voting place is to serve; and (5) the time of opening and closing of polls. Description of areas shall be in such terms as may be determined by the county election officer.

(f) Notice of any question submitted election of any school district shall be made in the manner provided by K.S.A. 10-120, and amendments thereto. The notice shall state: (1) the name of the school district; (2) the date of the election; (3) the amount of bonds to be issued, if a bond election; (4) the proposition to be voted upon; (5) the hours of opening and closing of the polls; (6) the voting place or places and the area each voting place is to serve; and (7) any other information specifically required by law. Description of areas shall be in the terms determined by the county election officer.

Sec. 46. K.S.A. 2014 Supp. 25-2020 is hereby amended to read as follows: 25-2020. (a) When a district method of election is in effect in any school district, a person may become a candidate for election to board member by any one of the following methods:

(1) Any person who is an elector in any member district may petition to be a candidate for board member from the member district in which such person resides. Any such person shall file with the county election officer, a petition for such candidacy signed by not less than 50 electors residing in such member district or by a number of such electors equal to not less than 10% of the electors residing in such member district, whichever is less.

(2) Any person who is an elector in any school district may petition to be a candidate for board member at-large from the school district in which such person resides. Any such person shall file with the county election officer, a petition for such candidacy signed by not less than 50 electors residing in such school district.

(3) Any person who is an elector in any member district may become a candidate for board member from the member district in which such person resides by filing with the county election officer a declaration of intention to become such a candidate, and payment therewith of a filing fee in the amount of ~~-\$5~~ \$20. Such declaration shall be prescribed by the secretary of state.

(4) Any person who is an elector in any school district may become a candidate for board member at-large from the school district in which such person resides by filing

with the county election officer a declaration of intention to become such a candidate, and payment therewith of a filing fee in the amount of ~~-\$5~~ \$20. Such declaration shall be prescribed by the secretary of state.

(5) Any such petition or declaration shall specify the member position for which the person is a candidate.

(b) When the election at large method is in effect in any school district, a person may become a candidate for election to board member by either one of the following methods:

(1) Any person who is an elector of the school district may petition to be a candidate for board member. Any such person shall file with the county election officer a petition for such candidacy signed by not less than 50 electors residing in the school district.

(2) Any person who is an elector in the unified school district may become a candidate for board member by filing with the county election officer a declaration of intention to become such a candidate, and payment therewith of a filing fee in the amount of ~~-\$5~~ \$20. Such declaration shall be prescribed by the secretary of state.

(3) Any such petition or declaration which is for an unexpired term of a member shall so specify.

(c) Any such petition or declaration of intent must be filed before the filing deadline as prescribed in K.S.A. 25-205, and amendments thereto. No candidate shall be permitted to withdraw from candidacy after the filing deadline.

(d) Within three days from the date of the filing of a nomination petition or a declaration of intention to become a candidate for board member, the county election officer shall determine the validity of such petition or declaration.

(e) If a nomination petition or declaration is found to be invalid, the county election officer shall notify the candidate on whose behalf the petition or declaration was filed that such nomination petition or declaration has been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by the county election officer in accordance with K.S.A. 25-308, and amendments thereto.

Sec. 47. K.S.A. 25-2022 is hereby amended to read as follows: 25-2022. Any board shall have power to fill by appointment any vacancy which occurs thereon, and such appointee shall serve for the unexpired term. When a vacancy occurs, the board shall publish a notice one time in a newspaper having general circulation in the school district stating that the vacancy has occurred and that it will be filled by appointment by the board not sooner than ~~fifteen (15)~~ 15 days after such publication. If such vacancy occurs before ~~January 1 of an odd-numbered year~~ May 1 of the second year of the term leaving an unexpired term of more than two years such appointee shall serve until the ~~July 1, second Monday in January~~ July 1, second Monday in January after the following general school election as provided in K.S.A. 25-2023, ~~or any and~~ amendments thereto.

In the latter event, the unexpired term of two years commencing ~~July 1 on the second Monday in January~~ July 1 on the second Monday in January after the following general school election shall be filled at such election and the ballots or ballot labels and returns of election with respect to such office shall be designated as follows: "To fill the unexpired term."

Sec. 48. K.S.A. 25-2023 is hereby amended to read as follows: 25-2023. ~~Each board member shall qualify by filing an oath of office with the election officer not later than ten (10) days. The term of office of each board member shall commence on the second Monday in January following the date of the election, or not later than five (5)~~

days after issuance of such member's certificate of election, whichever is the later date. Each board member shall take office on the July 1 following the general school election. Each member elected shall qualify by filing an oath of office with the county election office. Each member elected to a board of education shall hold office until a successor is elected or appointed and qualified and shall serve for a term of four ~~(4)~~ years.

Sec. 49. K.S.A. 2014 Supp. 25-2102 is hereby amended to read as follows: 25-2102. (a) "General election" means the ~~election~~ elections held on the Tuesday succeeding the first Monday in November of both odd-numbered and even-numbered years, ~~the elections held for officers on the first Tuesday in April,~~ and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the ~~election~~ elections held on the first Tuesday in August of both odd-numbered and even-numbered years, ~~the election held five weeks preceding the election on the first Tuesday in April, and any other preliminary election at which part of the candidates for special election to any national, state, county, city or school office are eliminated by the process of the election but at which no officer is finally elected.~~

(c) "District method" means the election of city officers where the city is divided into member districts or wards.

(d) "Election at large method" means the election of city officers without member districts or wards.

Sec. 50. K.S.A. 25-2107 is hereby amended to read as follows: 25-2107. (a) The general election of city officers shall be held on the first Tuesday in April. Except as otherwise provided by law or as provided by charter ordinance passed after April 30, 1968, pursuant to article 12, section 5, of the constitution of Kansas, every city shall have an election of city officers in odd-numbered years only, and the terms of city officers shall be two (2) years: Provided, however, That the provisions of this section shall not invalidate, repeal or otherwise affect any charter ordinance of any city of the third class having a population of not less than one thousand five hundred (1,500) nor more than two thousand (2,000) located in a county having a population of not less than fifty thousand (50,000) nor more than one hundred thousand (100,000), which ordinance had become effective prior to April 30, 1968, Tuesday following the first Monday in November of each odd-numbered and even-numbered years, if needed.

(b) A primary may be held on the first Tuesday in August of each odd-numbered and even-numbered year, if needed, as prescribed in K.S.A. 25-205 and 25-2108a, and amendments thereto.

Sec. 51. K.S.A. 2014 Supp. 25-2108a is hereby amended to read as follows: 25-2108a. (a) There shall be a primary election of city officers on the first Tuesday preceding by five weeks the first Tuesday in April of every year that such city has a city election, except as otherwise provided in subsection (b) or subsection (c) of this section in August of each odd-numbered and even-numbered year, if needed.

(b) In cities in which a district method of election is in effect, if there are more than three qualified candidates for any member district, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any such member district at the primary election shall appear on the ballots in the general election. If there are

three or fewer qualified candidates for any member district there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(c) In cities in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are members to be elected there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(d) On the ballots in general city elections, blank lines for the names of write-in candidates shall be printed at the end of the list of candidates for each different office. The number of blank lines for each elected office shall be equal to the number of candidates to be elected thereto. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary city election ballots.

Sec. 52. K.S.A. 25-2109 is hereby amended to read as follows: 25-2109. The filing deadline for all city elections shall be ~~12:00 o'clock noon of the Tuesday preceding by 10 weeks the first Tuesday in April~~ at 12 noon on June 1 as provided in K.S.A. 25-205, and amendments thereto.

Sec. 53. K.S.A. 2014 Supp. 25-2110 is hereby amended to read as follows: 25-2110. (a) ~~In cities of the first and second class, any person desiring to become a candidate for a city office elected at large shall file with the city clerk before the filing deadline a statement of such candidacy on a form furnished by the county election officer as specified by the secretary of state. The city clerk of any city upon receiving any filing under this section shall record the same and transmit it, together with the filing fee or petition herein provided, within three business days to the county election officer. In cities of the third class, Any person desiring to become a candidate for city office elected at large shall file with the county election officer of the county in which the city is located, or of the county in which the greater population of the city is located if the city extends into more than one county, or the city clerk, before the filing deadline, established in K.S.A. 25-205, and amendments thereto, a statement~~ declaration of candidacy on a form furnished by the county election officer as specified by the secretary of state.

(b) ~~In cities having a population of less than 5,000, each such filing shall be accompanied by a filing fee of \$5 or, in lieu of such filing fee, by a petition signed by 25 qualified electors of the city or by a number of such qualified electors of the city equal to not less than 10% of the ballots cast at the last general city election, whichever is less.~~

(c) ~~In cities having a population of not less than 5,000 nor more than 100,000, each such filing shall be accompanied by a filing fee of \$10 or, in lieu of such filing fee, by a petition signed by 50 qualified electors of the city or by a number of such qualified electors of the city equal to not less than 1% of the ballots cast and counted at the last general city election, whichever is less.~~

(d) ~~In cities having a population of more than 100,000, each such filing shall be~~

accompanied by a filing fee of \$50; or, in lieu of such filing fee, by a petition signed by 100 qualified electors of the city or by a number of qualified electors of the city equal to 1% of the ballots cast at the last general city election, whichever is less. The number of qualified electors of the city which must sign a nomination petition, shall be established by the city governing body by passage of an ordinance.

~~(c)~~-(c) Within three days from the date of the filing of a nomination petition or a declaration of intention to become a candidate for a city office elected at large, the county election officer shall determine the validity of such petition or declaration.

~~(d)~~-(d) If a nomination petition or declaration is found to be invalid, the county election officer shall notify the candidate on whose behalf the petition or declaration was filed that such nomination petition or declaration has been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by the county election officer in accordance with K.S.A. 25-308, and amendments thereto.

~~(e)~~-(e) All city elections shall be conducted by the county election officer of the county in which such city is located, or of the county in which the greater population of the city is located if the city extends into more than one county.

Sec. 54. K.S.A. 25-2113 is hereby amended to read as follows: 25-2113. ~~(a) Except as provided in subsection (b) of this section, City elections shall be nonpartisan or partisan as determined by the governing body and shall be conducted in accordance with chapter 25 of the Kansas Statutes Annotated, and amendments thereto.~~ Laws applicable to elections occurring at the same time as city elections shall apply to city elections to the extent that the same are not in conflict with the provisions of this act.

~~(b) The provisions of this subsection (b) shall apply to cities of the first class in counties which have been declared urban areas as authorized by article 2, section 17, of the constitution of Kansas. Election laws of a general nature which are applicable to partisan elections and which are not in conflict with this subsection (b) or any specific law applicable to election of city officers in any city to which this subsection (b) applies, shall apply to elections held under the provisions of this subsection (b). The county election officer shall prescribe the forms, ballots and ballot labels for every election conducted under this subsection (b), and shall make such rules and regulations not inconsistent with this subsection (b) as may be necessary for the conduct of such elections.~~

Sec. 55. K.S.A. 25-2115 is hereby amended to read as follows: 25-2115. Names of candidates appearing on the ballots in primary and general city elections ~~in cities of the first and second class~~ shall be listed in the various possible orders in rotation and as provided in K.S.A. 25-212 and 25-610, and amendments thereto.

Sec. 56. K.S.A. 25-2118 is hereby amended to read as follows: 25-2118. The city clerk shall certify to the county election officer a list of all city offices to be voted upon at each city election not later than ~~January~~ May 1 of every year that such city has a city election.

Sec. 57. K.S.A. 25-2120 is hereby amended to read as follows: 25-2120. The county election officer who conducts the city election shall promptly certify to the city governing body the determination of election results made by the county board of canvassers. The term of office shall commence ~~with and include the first regular meeting of the governing body on the second Monday in January~~ following certification of the election.

Every person elected or appointed to city office, before entering upon the duties of such office, shall take and subscribe an oath or affirmation as specified in K.S.A. 54-106, and amendments thereto, and every such oath or affirmation shall be filed with the city clerk.

Sec. 58. K.S.A. 2014 Supp. 25-2311 is hereby amended to read as follows: 25-2311. (a) County election officers shall provide for the registration of voters at one or more places on all days except the following:

(1) Days when the main offices of the county government are closed for business, except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(2) days when the main offices of the city government are closed for business, in the case of deputy county election officers who are city clerks except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(3) the 20 days preceding the day of primary and general-state elections;

~~(4) the 20 days preceding the day of primary city and school elections, if either has a primary;~~

~~(5) the 20 days preceding each first Tuesday in April of odd-numbered years, being the day of city and school general elections;~~

~~(6)-(4)~~ the 20 days preceding the day of any election other than one specified in ~~paragraphs (3), (4) and (5) of this subsection;~~ and

~~(7)-(5)~~ the day of any primary or general election or any question submitted election.

(b) For the purposes of this section in counting days that registration books are to be closed, all of the days including Sunday and legal holidays shall be counted.

(c) The secretary of state shall notify every county election officer of the dates when registration shall be closed preceding primary and general-state, ~~city and school~~ elections. The days so specified by the secretary of state shall be conclusive. Such notice shall be given by the secretary of state by mail at least 60 days preceding every primary and general-state, ~~city and school~~ election.

(d) The last days before closing of registration books as directed by the secretary of state under subsection (c) ~~of this section~~, county election officers shall provide for registration of voters during regular business hours, during the noon hours and at other than regular business hours upon such days as the county election officers deem necessary. The last three business days before closing of registration books prior to ~~state~~ primary and general elections, county election officers may provide for registration of voters until 9 p.m. in ~~cities of the first and second class~~ any city.

(e) County election officers shall accept and process applications received by voter registration agencies and the division of motor vehicles not later than the 21<sup>st</sup> day preceding the date of any election; mailed voter registration applications that are postmarked not later than the 21<sup>st</sup> day preceding the date of any election; or, if the postmark is illegible or missing, is received in the mail not later than the ninth day preceding the day of any election.

(f) The secretary of state may adopt rules and regulations interpreting the provisions of this section and specifying the days when registration shall be open, days when registration shall be closed, and days when it is optional with the county election officer for registration to be open or closed.

(g) Before each primary and general election held in even-numbered and odd-numbered years, and at times and in a form prescribed by the secretary of state, each county election officer shall certify to the secretary of state the number of registered voters in each precinct of the county as shown by the registration books in the office of such county election officer.

Sec. 59. K.S.A. 25-2502 is hereby amended to read as follows: 25-2502. (a) "General election" means the ~~election~~ elections held on the Tuesday ~~succeeding following~~ the first Monday in November of both even-numbered and odd-numbered years, ~~the elections held for officers on the first Tuesday in April~~, and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the ~~election~~ elections held on the first Tuesday in August of both even-numbered and odd-numbered years, ~~the election held five weeks preceding the election on the first Tuesday in April~~, and any other preliminary election at which part of the candidates for special election to any national, state, county, township, city ~~or~~, school or other municipal office are eliminated by the process of the election but at which no officer is finally elected.

Sec. 60. K.S.A. 25-2804 is hereby amended to read as follows: 25-2804. (a) Each person recommended as provided in ~~subsection (a) of~~ K.S.A. 25-2803(a), and amendments thereto, shall be a resident of the area served by the voting place in which such person is to be a judge or clerk.

(b) Except as otherwise provided by this subsection, all judges and clerks shall have the qualifications of an elector in the election at which they serve, and no judge or clerk shall be a candidate for any office, other than the office of precinct committeeman or precinct committeewoman, to be elected at such election. The county election officer may appoint persons who are at least 16 years of age to serve as election judges or clerks if such persons meet all other requirements for qualification of an elector and have a letter of recommendation from a school teacher, counselor or administrator. ~~No more than one person under the age of 18 may be appointed to each election board~~ 1/3 of the persons appointed to each election board may be under the age of 18.

(c) The county election officer may establish a pool of trained judges and clerks who shall be recommended by the county chairpersons specified in ~~subsection (a) of~~ K.S.A. 25-2803(a), and amendments thereto. Judges and clerks in such pool may serve at voting places other than their own if:

(1) The chairpersons specified in ~~subsection (a) of~~ K.S.A. 25-2803(a), and amendments thereto, or either of them, have failed to make appropriate recommendations;

(2) it is impossible to obtain judges and clerks for a voting place in any other way; or

(3) voting machines are used, in which case the third judge, who shall be trained in the use of voting machines, need not necessarily live in the area of the voting place.

(d) Any judge or clerk serving in a voting place not located in the area in which such judge or clerk resides or serving on a special election board established under ~~subsection (e) of~~ K.S.A. 25-1133(c), and amendments thereto, shall be allowed to vote an advance voting ballot in accordance with the provisions of K.S.A. 25-1119, and amendments thereto, or shall be excused from duties as such judge or clerk to vote at the voting place in the area where such judge or clerk resides.

Sec. 61. K.S.A. 25-2901 is hereby amended to read as follows: 25-2901. When a voter receives a ballot, or set of ballots, such voter shall go promptly and directly to one of the voting booths and mark the ballots therein. No voter shall be allowed to occupy a booth already occupied by another voter. No voter shall be allowed to occupy a booth more than ~~five~~ 10 minutes if other voters are waiting to occupy the same. The voter shall mark the ballot by making a cross or check mark in the voting squares at the left of the names of candidates.

Sec. 62. K.S.A. 25-3503 is hereby amended to read as follows: 25-3503. (a) In the event that any vacancy occurs to which this act applies, and such occurrence is not more than ~~ninety (90)~~ 90 days and not less than ~~thirty (30)~~ 30 days before any primary election ~~of state officers~~, the election provided for in this act shall be held on the same date as the primary election ~~of state officers~~.

~~(b) In the event that any vacancy occurs to which this act applies, and such occurrence is not more than ninety (90) days and not less than thirty (30) days before any regular primary or general election of city and school officers occurring in an odd-numbered year, the election provided for in this act shall be held within such ninety (90) days and on the same date as such primary or general election.~~

~~(e)-(b)~~ In the event that any vacancy occurs to which this act applies, and such occurrence is not more than ~~thirty (30)~~ 30 days before any primary election ~~of state officers~~ and before the general election ~~of state officers~~, at such general election votes cast for the office ~~of congressman for members of congress~~ in the district in which such vacancy has occurred shall be deemed to be cast to fill the vacancy for the unexpired term, as well as for the election for the next regular term. The governor shall proclaim the date of the election to be the same as the general election ~~of state officers~~.

~~(d)-(c)~~ In the event that any vacancy occurs to which this act applies, on or after the date of any general election ~~of state officers~~ and before the term of office in which the vacancy has occurred expires, votes cast for the office ~~of congressman for members of congress~~ in the district in which such vacancy occurs shall be deemed to have been cast to fill such vacancy for the unexpired term, as well as for election for the next regular term. The governor's approval of this act shall be deemed to proclaim that every regular election of a representative to the United States congress shall be an election for the unexpired term if any should occur, as well as election for the next regular term. In cases to which subsection ~~(e)~~ (b) of this section ~~(b)~~ or this subsection applies, the person elected for the next regular term shall be deemed to have been elected for the balance of the unexpired term also.

Sec. 63. K.S.A. 2014 Supp. 42-706 is hereby amended to read as follows: 42-706. (a) The officers of such district shall be a board of directors consisting of three members who shall be persons entitled to vote as provided in subsection ~~(h)~~ (g) and residents of a county in which the district or a portion thereof is located, or county adjoining a county in which such irrigation district or a portion thereof is located. Such members shall hold office for a period of ~~three~~ two or four years, such term of office being established by the board of directors by passage of a resolution, and each shall serve until a successor has been elected and qualified. The members of the board of directors first elected after the creation of an irrigation district shall hold their respective offices until the next regular election for the election of directors as provided in subsection (e) or (f) of this section except that the terms of the three directors shall be as provided in subsection (e) of this section.

(b) The chief engineer of the division of water resources, after the incorporation of such irrigation district, shall establish and designate the polling place or places therein where the first election will be conducted and fix the time for such election within 60 days after the date of incorporation. In any irrigation district of more than 35,000 acres, the chief engineer of the division of water resources shall, prior to designating polling places, establish three voting areas within such district as equal as possible in acreage and shall designate the same as the first, second or third voting area. Such polling place or places may thereafter be changed by the board of directors, and the board may arrange for polling places outside the corporate boundaries of the district if such places are more convenient than locations within the district. Prior to the holding of the first election in newly created districts, the chief engineer of the division of water resources shall appoint from the qualified electors of the district three persons for such election for each voting place who shall constitute boards of election for such district for such election. If the members appointed do not attend at the opening of the polls on the day of election, at the opening hour, the electors present at that hour shall elect from the electors present members of the election board necessary to fill the place of any absent member.

(c) The board of directors of every district of more than 35,000 acres which was incorporated prior to the effective date of this act shall establish three voting areas within the district as equal as possible in acreage and designate the same as the first, second or third voting area. The board shall also establish and designate the polling place or places within each voting area. At the first election held after the effective date of this act, a director shall be elected from each voting area and the person receiving the highest number of votes shall serve for a term of three years, the person receiving the second highest number of votes shall serve for a term of two years, and the person receiving the third highest number of votes shall serve for a term of one year. At each subsequent election, only one director shall be elected each year for a term of three years. Any director elected under this provision must be a person entitled to vote as provided in subsection (h) for the term length established by the board.

(d) (1) Except as provided in paragraph (2), all elections shall be conducted in accordance with the general election laws of the state except as otherwise provided in this act. Advance voting as provided in article 11 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, shall be provided for by the county election officers and boards of directors for those persons entitled to vote under subsection ~~(h)~~ (g). The forms for the ballot envelope declaration as provided in K.S.A. 25-1120, and amendments thereto, and the applications for advance ballots as provided in K.S.A. 25-1122d, and amendments thereto, shall be modified to establish that such person is a qualified owner of irrigable land within the district. After polls are closed the election boards shall proceed to canvass the votes cast thereat, shall certify to the county election officer of the county in which all or the greater part of the population of the irrigation district is located and the chief engineer the result of such election. The clerks shall then securely wrap the ballots cast at such elections and shall express or mail the same by registered mail to the county election officer of the county in which all or the greater part of the population of the irrigation district is located. The county election officer shall canvass the ballots, verify the results and declare the person receiving the highest number of votes duly elected as director except that at the first election after creation of a district the county election officer of the county in which all or the greater part of the

population of the irrigation district is located shall declare the three persons receiving the highest number of votes duly elected as directors except that in districts divided into three voting areas, the person receiving the highest number of votes in each voting area shall be duly elected as director. Such county election officer shall immediately mail, to each person elected to the office of director a certificate of election signed by such officer. The directors shall thereupon qualify and enter upon the duties of their office. Directors shall qualify by taking and subscribing to an oath of office of substantially the same tenor as oath of office prescribed for county officials. Each member of the board of directors shall execute an official bond in the sum of \$1,000 which oath and bond shall be filed with the county election officer of the county in which all or the greater part of the population of the irrigation district is located. The treasurer of each irrigation district shall execute to the district a corporate surety bond in an amount at least equal to 125% of the amount, as near as can be ascertained, that shall be in such person's hands as treasurer at any one time. The amount and sufficiency of the bond of the treasurer shall be determined by the county election officer. Upon approval of the bond, the county election officer shall endorse such approval thereon and file the same in the office of the county election officer and shall immediately notify the county treasurer of the county in which the registered office of the irrigation district is located of such approval and filing. In the event of the breach of any condition of the treasurer's bond, the president and secretary of the board shall cause a suit to be commenced thereon in the name of the irrigation district. It shall not be necessary to include the treasurer as a party to the action and the money collected shall be applied to the use of the district, as the same should have been applied by the treasurer. Should the president and secretary neglect or refuse to prosecute such a suit, then any person entitled to vote as provided in subsection ~~(h)~~ (g) may cause such suit to be instituted. Premiums on surety bonds for such directors and treasurers of irrigation districts shall be paid by the district out of its general funds. In case the office of any director shall become vacant the remaining members of the board shall fill the vacancy by appointment. A director appointed to fill a vacancy shall serve the unexpired term of the director whose term such person was appointed to fill.

(2) For any election except the election required in subsection (b), the board of directors may adopt a procedure providing for the election of members by mail ballot. Such procedure shall require the board to mail ballots to all persons entitled to vote, to receive and tabulate the ballots, to canvass the election and to certify the results to the county election officer. The irrigation district shall be responsible for the direct expenses of conducting the election. The ballot envelope used for mailing ballots shall contain a declaration establishing that the person who signs the declaration is a qualified owner of irrigable land within the district.

(e) All regular elections of directors of irrigation districts shall be held ~~the first Tuesday in March except as provided by subsection (g)~~ Tuesday following the first Monday in November in odd-numbered years. Any districts organized after the regular ~~March~~ election shall hold its election at the next regular ~~March~~ election following incorporation of the district and, at this election three directors shall be elected and the person receiving the highest number of votes shall serve for a term of ~~three~~ four years, the ~~person~~ persons receiving the second and third highest number of votes shall serve for a term of two years, ~~and the person receiving the third highest number of votes shall serve for a term of one year~~. In case the first election after creation of a district is held

between June 1 of any year and the day preceding the ~~first Tuesday in March~~ following the first Monday in November of the next succeeding odd-numbered year, the next regular ~~March~~ election shall be held in the second succeeding odd-numbered year. At each subsequent regular election, only one director shall be elected each year for a term of ~~three~~ four years. ~~All persons desiring to be voted upon as directors shall at least 30 days before the day of holding of the elections, file such person's name with the county election officer of the county in which all or the greater part of the population of the irrigation district is located, affixed to a statement that such person desires such person's name to be placed on the ticket as a candidate for member of board of directors of the district in such election~~ Any person desiring to be a candidate for election to the board of directors shall file a candidate's declaration of intention with the county election officer of the county in which all or the greater part of the population of the district is located. Such candidate's filing shall utilize the procedures provided in section 15, and amendments thereto, and K.S.A. 25-205, and amendments thereto. The county election officer shall ~~make up the ticket, at expense of the irrigation district~~ prepare the ballot, and place the names thereon in alphabetical order and shall supply election officials with necessary ballots and polling books at the irrigation district's expense. ~~At least five days before any election held subsequent to first election of directors, the boards of directors shall name and appoint three persons for each voting place, who shall be qualified electors in the district.~~ At least five days before any election, the county clerks of the various counties within which a portion of the district is located, shall cause to be ascertained the names of all persons entitled to vote as provided in subsection ~~(h)~~ (g) and shall furnish lists thereof to each election board within such county and to the secretary of the board of directors of the district. Notice of the time and places of holding of the election, ~~signed by the president and attested by the secretary of the district shall be given in some newspaper or newspapers~~ general election, shall be published by the county election officer in a newspaper of general circulation in the district ~~for one issue at least five days prior to date of the election in accordance with K.S.A. 25-105, and amendments thereto.~~ The return results of all special or bond elections shall be made available to the secretary of the district, ~~and canvassed by the board of directors.~~ All expenses of election, not otherwise provided for herein, shall be paid for out of the general funds of the irrigation district. Election officials shall receive the same compensation as provided under general election laws.

(f) In lieu of the election procedures provided in this section pertaining to regular elections of directors in accordance with the general election laws of the state, the board of directors of any irrigation district of less than 35,000 acres in size may call an annual meeting of all persons entitled to vote as provided in subsection ~~(h)~~ (g) for the purpose of electing directors. Such annual meeting shall be held on the first Tuesday in March; ~~except as provided by subsection (g).~~ Notice of the time and place of holding said annual meeting shall be given in some newspaper or newspapers of general circulation in the district for one issue at least 30 days prior to date of such meeting. Elections at the annual meeting shall be by ballot, with absentee voting as provided under subsection (d) of this section. All persons desiring to be voted upon as director shall at least 30 days before the day of holding the annual meeting file such person's name with the secretary of the board of directors of the district, affixed to a statement that such person desires such person's name to be placed on the ballot as a candidate for member of board of directors of the district. The board of directors shall appoint three owners of

irrigable land in the district to serve as an election board at the annual meeting. After the votes are cast at the annual meeting the election board shall proceed to canvass the votes and shall certify to the county election officer of the county in which all or the greater part of the population of the irrigation district is located and the chief engineer the result of such election. All provisions of this section not inconsistent with the provisions of subsection (f) shall apply to the election of directors at the annual meeting.

~~(g) In any case where the time for any regular election of directors as described in subsection (e), or the election as described in subsection (f), is the same for any two districts having the same district manager, such election shall be held on the first Wednesday following the first Tuesday in March by the district organized latest in time.~~

~~(h)~~ (g) Until such time as assessments are made in the district pursuant to K.S.A. 42-715, and amendments thereto, those persons entitled to vote shall be "qualified owners of land" within the irrigation district, as such term is defined in K.S.A. 42-701, and amendments thereto, and who are otherwise qualified electors.

After lands have been assessed in the district pursuant to K.S.A. 42-715, and amendments thereto, those persons entitled to vote shall be "qualified owners of land" within the irrigation district as such term is defined in K.S.A. 42-701, and amendments thereto, which has been assessed pursuant to K.S.A. 42-715, and amendments thereto, and who are otherwise qualified electors. For voting purposes, any person entitled to vote under this subsection who owns land in more than one voting area shall vote in the voting area which includes the greatest portion of such person's land. As used in this section, the term "qualified electors" shall include a person who is the legal qualified owner of irrigable land or a person, who is authorized, in writing, to vote for a trust, corporation, association or partnership which is the legal qualified owner of irrigable land. Such person is not required to be a resident of the district. Such trust, corporation, association or partnership shall be allowed only one vote. The person authorized by such entity to vote shall be someone who is not otherwise entitled to a vote under this section.

Sec. 64. K.S.A. 71-1408 is hereby amended to read as follows: 71-1408. Change of method of election in any community college district may be made in the manner provided in this act at any time during the period beginning on the first Wednesday in ~~April~~ November of each odd-numbered year and ending on the first Tuesday in ~~December~~ June of each even-numbered year, if such change is also approved in a manner authorized in this act before the end of such period. The new method of election in such district shall be followed in the election of trustees next following such change and shall continue in force until again changed in the manner provided in this act. Change of method of election shall not shorten the term of any trustee serving on the board at the time the change is made.

Sec. 65. K.S.A. 71-1412 is hereby amended to read as follows: 71-1412. Each member of the board of trustees of a community college shall be elected for a four-year term commencing on the ~~July 1~~ second Monday in January following election. Members shall serve until their successors are elected or appointed and qualified.

Sec. 66. K.S.A. 71-1413 is hereby amended to read as follows: 71-1413. (a) Elections of trustees of community colleges shall be conducted by the county election officer of the county in which the main campus of the college is located. In any college district having territory in more than one county, the county election officers of all such

counties shall cooperate with the county election officer of the county in which the main campus is located, and upon establishing any new community college or adding territory to any of the community college districts, the state board, in accordance with this section, shall specify the county in which the main campus shall be located for the purpose of this section. General community college elections shall be held on the ~~first Tuesday in April of each odd-numbered year~~ following the first Monday in November of each odd-numbered year.

(b) Any primary community college election shall be held on the ~~Tuesday preceding by five weeks the first Tuesday in April of odd-numbered years~~ first Tuesday of August of each odd-numbered year in accordance with K.S.A. 25-205, and amendments thereto.

(c) Notice of the time and place of holding each primary and general election shall be published by the county election officer in a newspaper published in the county in accordance with K.S.A. 25-105 and 25-209, and amendments thereto.

Sec. 67. K.S.A. 71-1414 is hereby amended to read as follows: 71-1414. (a) (1) In college districts where a district method of election is in effect, a person may become a candidate for election to trustee of a community college by any one of the following methods:

(A) Any person who is an elector of any member district may petition to be a candidate for member from the member district in which such person resides. Any such person shall file with the election officer a petition for such person's candidacy signed by not less than 50 electors residing in such person's member district.

(B) Any person who is an elector of any member district may become a candidate for member from the member district in which such person resides by filing with the election officer a declaration of intent to be such a candidate, and payment therewith of a filing fee in the amount of ~~\$5~~ \$20.

(C) If a community college adopts and implements a seven member board of trustees plan, any person who is an elector of the college district may petition to be a candidate for the at-large member position. Any such person shall file with the county election officer a petition for such candidacy signed by not less than 50 electors residing in such college district.

(D) If a community college adopts and implements a seven member board of trustees plan, any person who is an elector of the college district may become a candidate for the at-large member position by filing with the county election officer a declaration of intent to be such a candidate, and payment therewith of a filing fee in the amount of ~~\$5~~ \$20.

(2) Every petition or declaration of intent filed under this subsection must specify the member position for which the person is a candidate.

(b) In college districts where the election-at-large method of election is in effect, a person may become a candidate for election to trustee of a community college by either one of the following methods:

(1) Any person who is an elector of the college district may petition to be a candidate for trustee. Any such person shall file with the election officer a petition for such person's candidacy signed by not less than 50 electors residing in the college district.

(2) Any person who is an elector of the college district may become a candidate for trustee by filing with the election officer a declaration of intent to be such a candidate,

and payment therewith of a filing fee in the amount of ~~\$5~~ \$20.

(c) Every petition or declaration of intent filed under this section must be filed on or before ~~12 o'clock~~ 12 noon on ~~the Tuesday which precedes by 10 weeks the first Tuesday in April of any odd-numbered year. No such petition or declaration shall be filed sooner than the second Tuesday of the December which next precedes the community college election June 1 of each odd-numbered year as provided in section 15, and amendments thereto, and K.S.A. 25-205, and amendments thereto.~~

Sec. 68. K.S.A. 71-1419 is hereby amended to read as follows: 71-1419. ~~(a)~~ The election of trustees of community colleges shall be nonpartisan and laws applicable only to partisan elections shall not apply in such elections. All laws applicable to elections, the violation of which is a crime, shall be applicable to election of trustees of community colleges.

~~(b) Except as is provided in (a) above, laws applicable to local elections, including voter registration laws, occurring at the same time as election of trustees shall apply to the election of trustees to the extent that the same are not in conflict with the provisions of this act. The provisions of this subsection (b) shall not apply to election notices.~~

~~(c) Ballots for election of trustees shall be canvassed by the members of election boards canvassing ballots in other local elections insofar as is practicable, and where it is not practicable, the county election officer shall provide for such canvass by other appropriate means.~~

Sec. 69. K.S.A. 72-8008 is hereby amended to read as follows: 72-8008. Change of method of election or voting plan or both in any school district may be made in the manner provided in this act at any time during the period beginning on the first Wednesday in ~~April~~ November of each ~~odd-numbered~~ even-numbered year and ending on the first Tuesday in ~~December~~ June of each ~~even-numbered~~ odd-numbered year, if such change is also approved in a manner authorized in this act before the end of such period. The new method of election and voting plan in such school district shall be followed in the election of members next following such change and shall continue in force until again changed in the manner provided in this act. Change of method of election or voting plan shall not shorten the term of any member serving on the board at the time the change is made, and the county election officer shall not submit to election any plan of change which violates this prohibition.

Sec. 70. K.S.A. 80-2508 is hereby amended to read as follows: 80-2508. (a) Subject to the limitations provided in this act, any of the four methods described in this section may be used in the selection of members of boards. The four methods are:

(1) Elections of board members shall be held at the annual meeting of the qualified electors of the hospital district for the positions on the board which are to expire in such year.

(2) Board members shall be appointed by the governing bodies of the political subdivisions joining in the operation and maintenance of the hospital.

(3) (A) Elections of board members for ~~three-year~~ four-year terms shall be held on the first Tuesday in ~~April of each year following the first Monday in November of odd-numbered years~~ for the positions on the board which are to expire in such year. All positions shall be at-large. Each board member shall take office on the ~~May 1 second Monday in January~~ following the date of election.

(B) Any person desiring to become a candidate for board member shall file with the county election officer of the county in which the political subdivisions joining in the

operation and maintenance of the hospital, or the greater portion of the area thereof, are located, before the filing deadline specified in K.S.A. 25-2109, and amendments thereto, either a petition signed by not less than 50 electors eligible to vote for a candidate or a declaration of intent to become a candidate together with a filing fee in the amount of ~~\$10~~ \$20.

(C) The county election officer of the county specified in paragraph (B) shall prepare the ballots for such election including ballots for that portion of the district located in any other county. The county election officers of each county shall conduct the election in their respective counties, and the board of county canvassers of each such county shall certify the results of the votes cast in its county to the board of county canvassers in the county in which the ballots for the election were prepared.

(D) Ballots shall be prepared in such manner that each voter is instructed to vote for the same number of candidates as the number of positions to be filled. Such instruction shall specify that the voter may vote for fewer than the total number of candidates for which the voter is qualified to vote.

~~(E) Where not in conflict with this provision of this subsection, the laws applicable to the election of city officers shall apply to the election of members of the board.~~

(4) (A) Elections of board members for four-year terms shall be held on the ~~first Tuesday succeeding the first Monday in April~~ November of each odd-numbered year for the positions on the board which are to expire in such year. All positions shall be at-large. Each board member shall take office on the ~~May 1 following the date of election~~ second Monday in January.

(B) Any person desiring to become a candidate for board member shall file with the county election officer of the county in which the political subdivisions joining in the operation and maintenance of the hospital, or the greater portion of the area thereof, are located, before the filing deadline specified in K.S.A. 25-2109, and amendments thereto, either a petition signed by not less than 50 electors eligible to vote for a candidate or a declaration of intent to become a candidate together with a filing fee in the amount of ~~\$10~~ \$20.

(C) The county election officer of the county specified in paragraph (B) shall prepare the ballots for such election including ballots for that portion of the district located in any other county. The county election officers of each county shall conduct the election in their respective counties, and the board of county canvassers of each such county shall certify the results of the votes cast in its county to the board of county canvassers in the county in which the ballots for the election were prepared.

(D) Ballots shall be prepared in such manner that each voter is instructed to vote for the same number of candidates as the number of positions to be filled. Such instruction shall specify that the voter may vote for fewer than the total number of candidates for which the voter is qualified to vote.

~~(E) Where not in conflict with this provision of this subsection, the laws applicable to the election of city officers shall apply to the election of members of the board.~~

(b) If the method of selection of members of the board of any hospital is the method provided for in ~~provision (1) or provision (2)~~ of subsection (a) (1) or (2), such method of selection may be changed to the method provided for in ~~provision (3) or provision (4)~~ of subsection (a) (3) or (4) by majority vote of the qualified electors voting at an annual meeting thereof. Whenever the method of selection of members of a board is changed to the method provided for in ~~provision (3) or provision (4)~~ of subsection (a)

(3) or (4), the term of each member serving on the board at the time of the change of method of selection shall expire on May 1 of the year in which the term of such member is to expire, except that for the purpose of electing members to the board at a time to coincide with elections for other purposes, the board may extend the term of any member for not to exceed one year from the date such member's term would otherwise expire and the board of Sublette hospital district may change prior to the election the length of term for one member to be elected at the 1997 election from four years to two years. If the members of the board are currently selected pursuant to ~~provision (3) of subsection (a)(3)~~, the method of selection may be changed to the method provided for in ~~provision (4) of subsection (a)(4)~~ by a majority vote of the board members.

New Sec. 71. (a) The purpose of this section is to provide an orderly and prompt means of filling vacancies in the governing body of a municipality. Prolonged vacancies in the governing body of a municipality deprive citizens of their right to representation and act as impediments to the orderly function of government of municipalities.

(b) As used in this section, the following terms are defined as follows:

(1) "Governing body" shall include the mayor and members of the council, the mayor and commissioners or the chairperson and members of the board of supervisors, depending on the form of government of the city or the consolidated city and county.

(2) "Municipality" means any city or any consolidated city and county.

(c) Except as provided in subsection (d), the governing body of any municipality where a vacancy exists shall appoint, by a majority vote of the remaining members, a person to fill the vacancy within 60 days of the vacancy. If the appointment is not made within the 60-day time frame, the governing body shall pass a resolution calling for a special election to fill such vacancy to be held within 45 days of the passage of such resolution. Candidates for the vacant office shall file for such office as provided in K.S.A. 25-2110a, and amendments thereto. The special election shall be conducted by the county election officer. The candidate receiving the highest number of votes for the vacant position shall assume such office upon certification of the election results.

(d) The provisions of subsection (c) shall not apply to any municipality which has a procedure for filling vacancies in its governing body and which has filled such vacancies within 60 days of the vacancy.

Sec. 72. K.S.A. 12-344 is hereby amended to read as follows: 12-344. (a) Any plan submitted by the commission shall provide for the exercise of powers of local legislation and administration not inconsistent with the constitution or other laws of this state.

(b) If the commission submits a plan providing for the consolidation of certain city and county offices, functions, services and operations, the plan shall:

(1) Include a description of the form, structure, functions, powers and officers and the duties of such officers recommended in the plan;

(2) provide for the method of amendment of the plan;

(3) authorize the appointment of, or elimination of elective officials and offices;

(4) specify the effective date of the consolidation; ~~and~~

(5) include other provisions determined necessary by the commission.

(c) If the plan provides for the consolidation of the city and county, in addition to the requirements of subsection (b), the plan shall:

(1) Fix the boundaries of the governing body's election districts, provide a method for changing the boundaries from time-to-time, any at-large positions on the governing

body, fix the number, term and initial compensation of the governing body of the consolidated city-county and the method of election-;

(2) determine whether elections of the governing body of the consolidated city-county shall be partisan or nonpartisan elections and the time at which such elections shall be held-;

(3) determine the distribution of legislative and administrative duties of the consolidated city-county officials, provide for consolidation or expansion of services as necessary, authorize the appointment of a consolidated city-county administrator or a city-county manager, if deemed advisable, and prescribe the general structure of the consolidated city-county government-;

(4) provide for the official name of the consolidated city-county-; and

(5) provide for the transfer or other disposition of property and other rights, claims and assets of the county and city.

(d) Vacancies in the governing body shall be filled as provided in section 71, and amendments thereto.

Sec. 73. K.S.A. 2014 Supp. 12-363 is hereby amended to read as follows: 12-363. (a) Any plan submitted by the commission shall provide for the exercise of powers of local legislation and administration not inconsistent with the constitution or other laws of this state.

(b) If the commission submits a plan providing for the unification of certain city and county offices, functions, services and operations, the plan shall:

(1) Include a description of the form, structure, functions, powers and officers and the duties of such officers recommended in the plan-;

(2) provide for the method of amendment of the plan-;

(3) specify the effective date of the unification-; and

(4) include other provisions determined necessary by the commission.

(c) If the plan provides for the unification of the city and county, in addition to the requirements of subsection (b) the plan shall:

(1) Provide that the members of the governing body be elected from districts or on an at-large basis and fix the number, term and initial compensation of the governing body of the unified city-county and the method of election-;

(2) determine whether elections of the governing body of the unified city-county shall be partisan or nonpartisan elections and the time at which such elections shall be held-;

(3) determine the distribution of legislative and administrative duties of the unified city-county officials, provide for unification or expansion of services as necessary, authorize the appointment of a city-county administrator or manager, if deemed advisable, and prescribe the general structure of the unified city-county government-;

(4) provide for the official name of the unified city-county-;

(5) provide for the transfer or other disposition of property and other rights, claims and assets of the county and city-; and

(6) fix the rate of the retailers' sales tax, if any.

(d) Vacancies in the governing body shall be filled as provided in section 71, and amendments thereto.";

Also on page 8, in line 43, by striking all after "K.S.A.";

On page 9, in line 1, by striking all before "are" and inserting "2-623, 12-344, 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d,

12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038, 13-1220, 13-1221, 19-2760, 19-2762, 19-3505, 19-3507, 22a-102, 24-504, 25-209, 25-210, 25-212, 25-306b, 25-610, 25-1115, 25-2006, 25-2007, 25-2010, 25-2014, 25-2017, 25-2017a, 25-2018, 25-2022, 25-2023, 25-2107, 25-2109, 25-2113, 25-2115, 25-2118, 25-2120, 25-2502, 25-2804, 25-2901, 25-3503, 25-3905, 25-4501, 71-1408, 71-1412, 71-1413, 71-1414, 71-1417, 71-1419, 72-8008 and 80-2508 and K.S.A. 2014 Supp. 2-624, 12-363, 24-412, 24-414, 24-459, 24-506, 25-205, 25-213, 25-611, 25-618, 25-1122, 25-2020, 25-2102, 25-2108a, 25-2110, 25-2311, 25-3904, 25-3904a and 42-706 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "elections;" by inserting "relating to certain municipalities and special districts;"; also in line 1, after "nominees;" by inserting "relating to the presidential preference primary;"; in line 2, by striking all after "amending"; in line 3, by striking all before the period and inserting "K.S.A. 2-623, 12-344, 13-1220, 13-1221, 19-2760, 19-3505, 19-3507, 22a-102, 24-504, 25-209, 25-210, 25-212, 25-306b, 25-610, 25-1115, 25-2006, 25-2007, 25-2010, 25-2014, 25-2017, 25-2017a, 25-2018, 25-2022, 25-2023, 25-2107, 25-2109, 25-2113, 25-2115, 25-2118, 25-2120, 25-2502, 25-2804, 25-2901, 25-3503, 25-3905, 71-1408, 71-1412, 71-1413, 71-1414, 71-1419, 72-8008 and 80-2508 and K.S.A. 2014 Supp. 2-624, 12-363, 24-412, 24-414, 24-459, 24-506, 25-205, 25-213, 25-611, 25-618, 25-1122, 25-2020, 25-2102, 25-2108a, 25-2110, 25-2311, 25-3904, 25-3904a and 42-706 and repealing the existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038, 19-2762, 25-4501 and 71-1417";

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

MITCH HOLMES

STEVE FITZGERALD

OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

MARK KAHR

KEITH ESAU

MICHAEL SAWYER

*Conferees on part of House*

Senator Holmes moved the Senate adopt the Conference Committee Report on **HB 2104**.

On roll call, the vote was: Yeas 22; Nays 13; Present and Passing 3; Absent or Not Voting 2.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Smith, Tyson, Wagle.

Nays: Bowers, Francisco, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, McGinn, Ostmeyer, Pettey, Schmidt, Wolf.

Present and Passing: Faust-Goudeau, Pyle, Wilborn.

Absent or Not Voting: Haley, Hawk.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2154** submits the following report:

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

On page 1, in line 7, before "Section" by inserting "New";

On page 7, following line 34, by inserting:

"Sec. 5. K.S.A. 2014 Supp. 12-4415 is hereby amended to read as follows: 12-4415. (a) In determining whether diversion of a defendant is in the interests of justice and of benefit to the defendant and the community, the city attorney shall consider at least the following factors among all factors considered:

- (1) The nature of the crime charged and the circumstances surrounding it;
- (2) any special characteristics or circumstances of the defendant;
- (3) whether the defendant is a first-time offender of an alcohol related offense and if the defendant has previously participated in diversion, according to the certification of the division of vehicles of the state department of revenue;
- (4) whether there is a probability that the defendant will cooperate with and benefit from diversion;

(5) whether there is a probability that the defendant committed such crime as a result of an injury, including major depressive disorder, polytrauma, post-traumatic stress disorder or traumatic brain injury, connected to service in a combat zone, as defined in section 112 of the federal internal revenue code of 1986, in the armed forces of the United States of America;

(6) if subsection (a)(5) applies to the defendant, whether there is a probability that the defendant will cooperate with and benefit from inpatient or outpatient treatment from any treatment facility or program operated by the United States department of defense, the United States department of veterans affairs or the Kansas national guard with the consent of the defendant, as a condition of diversion;

~~(5)~~ (7) whether the available diversion program is appropriate to the needs of the defendant;

- ~~(6)~~ (8) the impact of the diversion of the defendant upon the community;
- ~~(7)~~ (9) recommendations, if any, of the involved law enforcement agency;
- ~~(8)~~ (10) recommendations, if any, of the victim;
- ~~(9)~~ (11) provisions for restitution; and
- ~~(10)~~ (12) any mitigating circumstances.

(b) A city attorney shall not enter into a diversion agreement in lieu of further criminal proceedings on a complaint alleging an alcohol related offense if the defendant:

- (1) Has previously participated in diversion of an alcohol related offense;
- (2) has previously been convicted of or pleaded nolo contendere to an alcohol related offense in this state or has previously been convicted of or pleaded nolo contendere to a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto, or of a law of another state, or of a political subdivision thereof, which prohibits the acts prohibited by those statutes; or
- (3) during the time of the alleged alcohol related offense was involved in a motor vehicle accident or collision resulting in personal injury or death.

(c) "Major depressive disorder," "polytrauma," "post-traumatic stress disorder" and "traumatic brain injury" shall mean the same as such terms are defined in K.S.A. 2014 Supp. 21-6630, and amendments thereto.

Sec. 6. K.S.A. 2014 Supp. 21-6630 is hereby amended to read as follows: 21-6630.

(a) Upon motion of the defendant at the time of conviction or prior to sentencing, a defendant convicted of a criminal offense may assert that such defendant committed such offense as a result of ~~mental illness~~ an injury, including major depressive disorder, polytrauma, post-traumatic stress disorder, stemming from or traumatic brain injury, connected to service in a combat zone in the United States armed forces of the United States of America. The court shall hold a hearing to determine whether the defendant:

(1) Has served in the armed forces of the United States of America in a combat zone, as defined in section 112 of the federal internal revenue code of 1986. Proof of such service shall consist of a certification by the executive director of the Kansas commission on veterans affairs in accordance with K.S.A. 73-1209, and amendments thereto;

(2) ~~has separated from such armed forces with an honorable discharge or general discharge under honorable conditions;~~

(3) ~~suffers from mental illness~~ injury; and

(4) ~~(3) such mental illness was caused or exacerbated by events occurring during such defendant's service in a combat zone~~ injury was connected to service in a combat zone in the armed forces of the United States of America.

(b) (1) Except as provided in subsection (b)(2), if the court determines that such defendant meets the criteria provided in subsection (a) and such defendant's current crime of conviction and criminal history fall within a presumptive nonprison category under the sentencing guidelines, the court may order such defendant to undergo inpatient or outpatient treatment from any treatment facility or program operated by the United States department of defense, the ~~federal veterans' administration~~ United States department of veterans affairs or the Kansas national guard ~~with the consent of the defendant, if the defendant is eligible for and consents to such treatment.~~

(2) If the court determines that such defendant meets the criteria provided in subsection (a), ~~such defendant is ineligible for treatment pursuant to subsection (b)(1)~~ and such defendant meets the requirements established in K.S.A. 2014 Supp. 21-6824, and amendments thereto, the provisions of K.S.A. 2014 Supp. 21-6824, and amendments thereto, shall apply, ~~except that in lieu of requiring such defendant to participate in a certified drug abuse treatment program as provided in K.S.A. 2014 Supp. 75-52,144, and amendments thereto, the court may order such defendant to~~

undergo drug abuse treatment from any treatment facility or program operated by the United States department of defense, the federal veterans' administration or the Kansas national guard with the consent of the defendant.

(c) Nothing in this section shall be construed to limit the court's authority to:

(1) Order any other sanction pursuant to K.S.A. 2014 Supp. 21-6602 or 21-6604, and amendments thereto;

(2) order a mental examination pursuant to K.S.A. 22-3429, and amendments thereto;

(3) order commitment pursuant to K.S.A. 22-3430 et seq., and amendments thereto; or

(4) determine that a person is a mentally ill person subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto.

(d) As used in this section:

(1) ~~"Mental illness" means a mental disorder manifested by a clinically significant behavioral or psychological syndrome or pattern and associated with either a painful symptom or an impairment in one or more important areas of functioning, and involving substantial behavioral, psychological or biological dysfunction, to the extent that the person is in need of treatment; and~~

~~(2) "Major depressive disorder" and "post-traumatic stress disorder" means posttraumatic stress disorder as mean the same as such terms are defined in the diagnostic and statistical manual of mental disorders, fifth edition (DSM-5, 2013), of the American psychiatric association and that occurred as a result of events during the person's defendant's service in one or more combat zones.~~

(2) "Polytrauma" means injury to multiple body parts and organ systems that occurred as a result of events during the defendant's service in one or more combat zones.

(3) "Traumatic brain injury" means injury to the brain caused by physical trauma that occurred as a result of events during the defendant's service in one or more combat zones.

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

Sec. 7. K.S.A. 2014 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. 2014 Supp. 21-6817**(b)**, 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.

(F) The offender committed such crime as a result of an injury, including major depressive disorder, polytrauma, post-traumatic stress disorder or traumatic brain injury, connected to service in a combat zone, as defined in section 112 of the federal internal revenue code of 1986, in the armed forces of the United States of America. As used in this subsection, "major depressive disorder," "polytrauma," "post-traumatic stress disorder" and "traumatic brain injury" shall mean the same as such terms are defined in K.S.A. 2014 Supp. 21-6630, and amendments thereto.

(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. 2014 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;

(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. 2014 Supp. 21-5426(b), and amendments thereto, if the victim is less than 14 years of age; or

(e) commercial sexual exploitation of a child, as defined in K.S.A. 2014 Supp. 21-6422, 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. 8. K.S.A. 2014 Supp. 22-2908 is hereby amended to read as follows: 22-2908.

(a) In determining whether diversion of a defendant is in the interests of justice and of benefit to the defendant and the community, the county or district attorney shall consider at least the following factors among all factors considered:

(1) The nature of the crime charged and the circumstances surrounding it;

(2) any special characteristics or circumstances of the defendant;

(3) whether the defendant is a first-time offender and if the defendant has previously participated in diversion, according to the certification of the Kansas bureau of investigation or the division of vehicles of the department of revenue;

(4) whether there is a probability that the defendant will cooperate with and benefit from diversion;

(5) whether the available diversion program is appropriate to the needs of the defendant;

(6) whether there is a probability that the defendant committed such crime as a result of an injury, including major depressive disorder, polytrauma, post-traumatic stress disorder or traumatic brain injury, connected to service in a combat zone, as defined in section 112 of the federal internal revenue code of 1986, in the armed forces of the United States of America;

(7) if subsection (a)(6) applies to the defendant, whether there is a probability that the defendant will cooperate with and benefit from inpatient or outpatient treatment from any treatment facility or program operated by the United States department of defense, the United States department of veterans affairs or the Kansas national guard with the consent of the defendant, as a condition of diversion;

~~(6)~~ (8) the impact of the diversion of the defendant upon the community;

~~(7)~~ (9) recommendations, if any, of the involved law enforcement agency;

~~(8)~~ (10) recommendations, if any, of the victim;

~~(9)~~ (11) provisions for restitution; and

~~(10)~~ (12) any mitigating circumstances.

(b) A county or district attorney shall not enter into a diversion agreement in lieu of further criminal proceedings on a complaint if:

(1) The complaint alleges a violation of K.S.A. 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto, and the defendant: (A) Has previously participated in diversion upon a complaint alleging a violation of that statute or an ordinance of a city in this state which prohibits the acts prohibited by that statute; (B) has previously been convicted of or pleaded nolo contendere to a violation of that statute or a violation of a law of another state or of a political subdivision of this or any other state, which law prohibits the acts prohibited by that statute; or (C) during the time of the alleged violation was involved in a motor vehicle accident or collision resulting in personal

injury or death;

(2) the complaint alleges that the defendant committed a class A or B felony or for crimes committed on or after July 1, 1993, an off-grid crime, a severity level 1, 2 or 3 felony for nondrug crimes, a drug severity level 1 or 2 felony for drug crimes committed on or after July 1, 1993, but prior to July 1, 2012, or a drug severity level 1, 2 or 3 felony committed on or after July 1, 2012; or

(3) the complaint alleges a domestic violence offense, as defined in K.S.A. 2014 Supp. 21-5111, and amendments thereto, and the defendant has participated in two or more diversions in the previous five year period upon complaints alleging a domestic violence offense.

(c) A county or district attorney may enter into a diversion agreement in lieu of further criminal proceedings on a complaint for violations of article 10 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto, if such diversion carries the same penalties as the conviction for the corresponding violations. If the defendant has previously participated in one or more diversions for violations of article 10 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto, then each subsequent diversion shall carry the same penalties as the conviction for the corresponding violations.

(d) As used in this section, "major depressive disorder," "polytrauma," "post-traumatic stress disorder" and "traumatic brain injury" shall mean the same as such terms are defined in K.S.A. 2014 Supp. 21-6630, and amendments thereto.

Sec. 9. K.S.A. 2014 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 means an official, agency, board or other entity of the state which authorizes individuals to practice a profession in this state and issues a license, registration, certificate, permit or other authorization to an individual so authorized;~~

(2) ~~"military-service servicemember" means a member of 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; and~~

~~(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 shall:

(1) Upon submission of a completed application, issue a license, registration or certification to a nonresident military spouse, so that the nonresident military spouse may lawfully practice the person's occupation; and

(2) upon submission of a completed application within six months following release from military service, issue a license, registration or certification to a military servicemember with an honorable discharge so that the military servicemember may lawfully practice the ~~person's~~ military servicemember's occupation.

(c) A military servicemember with an honorable discharge or nonresident military spouse shall receive a license, registration or certification under subsection (b) of this section:

(1) Pursuant to applicable licensure, registration or certification by endorsement,

reinstatement or reciprocity statutes of the licensing body of this state for the profession license, registration or certification within 60 days from the date a complete application was submitted; or

(2) if the professional practice act does not have licensure, registration or certification by endorsement, reinstatement or reciprocity statutes, then, at the time of application, the military servicemember or nonresident military spouse:

(A) Holds a current license, registration or certification in another state, district or territory of the United States with licensure, registration or certification 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, registration or certification denied or refused to practice an occupation for which the military servicemember or nonresident military spouse seeks licensure, registration or certification;

(C) has not been disciplined by a licensing, registering, certifying or other credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure or disciplinary proceeding conducted by a licensing, registering, certifying or other 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, registration or certification within 60 days from the date a complete application was submitted, to the military servicemember or nonresident military spouse on a probationary basis, but may revoke the license, registration or certification at any time if the information provided in the application is found to be false. Any probationary license issued under this ~~section~~ subsection to a military servicemember or nonresident military spouse shall not exceed ~~three~~ six months.

(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, registration or certification 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.

(e) A nonresident military spouse licensed, registered or certified 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, registration or certificate in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held ~~licensure~~ a license, registration or certificate shall automatically cause the same revocation or suspension of such nonresident military spouse's license, registration or certificate in Kansas. No hearing shall be granted to a nonresident

licensee military spouse where ~~the such nonresident military spouse's license, registration or certificate~~ 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, registration or certificate by the nonresident military spouse's state of residence.

(f) In the event the licensing body determines that the license, registration or certificate currently held by the military servicemember or nonresident military spouse 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 servicemember or nonresident military spouse to lawfully practice the person's military servicemember's or nonresident military spouse's occupation while completing any specific requirements that are required in this state for licensure, registration or certification that ~~were was~~ not required in the state, district or territory of the United States in which the military servicemember or nonresident military spouse was licensed ~~or registered, certified or otherwise credentialed~~.

(g) A licensing ~~board body~~ may grant ~~certification;~~ licensure, registration, certification or a temporary permit to any person who meets the requirements under this section but was separated from such military service under less than honorable conditions or 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) 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.;

Also on page 7, in line 35, after "Supp." by inserting "12-4415, 21-6630, 21-6815, 22-2908, 48-3406 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 2 by striking "military matters" and inserting "servicemembers and veterans of the United States armed forces; relating to private sector employment; postsecondary educational institution tuition; diversions and sentencing; servicemember and military spouse expedited professional credentialing"; in line 3, after "Supp." by inserting "12-4415, 21-6630, 21-6815, 22-2908, 48-3406 and"

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

RALPH OSTMEYER  
JACOB LATURNER  
OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

MARIO GOICO  
LESLIE OSTERMAN  
HAROLD LANE

*Conferees on part of House*

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **HB 2154**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Haley, Hawk.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2159** submits the following report:

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

On page 3, following line 37, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 8-1015 is hereby amended to read as follows: 8-1015. (a) (1) Except as provided in subsection (a)(2), whenever a person's driving privileges have been suspended for one year as provided in ~~subsection (a)~~ of K.S.A. 8-1014(a), and amendments thereto, after 90 days of such suspension, such person may apply to the division for such person's driving privileges to be restricted for the remainder of the one-year suspension period to driving only a motor vehicle equipped with an ignition interlock device and only for the purposes of getting to and from: Work, school or an alcohol treatment program; and the ignition interlock provider for maintenance and downloading of data from the device.

(2) Whenever a person's driving privileges have been suspended for one year as provided in ~~subsection (a)(1)~~ of K.S.A. 8-1014(a)(1), and amendments thereto, after 90 days of such suspension, such person may apply to the division for such person's driving privileges to be restricted for the remainder of the one-year suspension period to driving only a motor vehicle equipped with an ignition interlock device and only: Under the circumstances provided by ~~subsections (a)(1), (2), (3) and (4)~~ of K.S.A. 8-292(a)(1), (2), (3) and (4), and amendments thereto; and for the purpose of getting to and from the ignition interlock provider for maintenance and downloading of data from the device.

(3) Except as provided in subsection (a)(4), whenever a person's driving privileges have been suspended for one year as provided in ~~subsection (b)~~ of K.S.A. 8-1014(b), and amendments thereto, after 45 days of such suspension, such person may apply to the division for such person's driving privileges to be restricted for the remainder of the one-year suspension period to driving only a motor vehicle equipped with an ignition interlock device and only for the purposes of getting to and from: Work, school or an alcohol treatment program; and the ignition interlock provider for maintenance and downloading of data from the device.

(4) Whenever a person's driving privileges have been suspended for one year as provided in ~~subsection (b)(2)(A)~~ of K.S.A. 8-1014(b)(2)(A), and amendments thereto, after 45 days of such suspension, such person may apply to the division for such person's driving privileges to be restricted for the remainder of the one-year suspension period to driving only a motor vehicle equipped with an ignition interlock device and

only; Under the circumstances provided by ~~subsections (a)(1), (2), (3) and (4) of K.S.A. 8-292(a)(1), (2), (3) and (4), and amendments thereto; and for the purpose of getting to and from the ignition interlock provider for maintenance and downloading of data from the device.~~

(5) The division shall assess an application fee of \$100 for a person to apply to modify the suspension to restricted ignition interlock status.

(6) The division shall approve the request for such restricted license unless such person's driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court. If the request is approved, upon receipt of proof of the installation of such device, the division shall issue a copy of the order imposing such restrictions on the person's driving privileges and such order shall be carried by the person at any time the person is operating a motor vehicle on the highways of this state. Except as provided in K.S.A. 8-1017, and amendments thereto, if such person is convicted of a violation of the restrictions, such person's driving privileges shall be suspended for an additional year, in addition to any term of suspension or restriction as provided in ~~subsection (a) or (b) of K.S.A. 8-1014(a) or (b),~~ and amendments thereto.

(b) (1) Except as provided in subsection (b)(2), when a person has completed the suspension pursuant to ~~subsection (b)(1)(A) of K.S.A. 8-1014(b)(1)(A),~~ and amendments thereto, the division shall restrict the person's driving privileges for 180 days to driving only a motor vehicle equipped with an ignition interlock device.

(2) When a person has completed the suspension pursuant to ~~subsection (b)(1)(A) of K.S.A. 8-1014(b)(1)(A),~~ and amendments thereto, the division shall restrict the person's driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device if the records maintained by the division indicate that such person has previously: (A) Been convicted of a violation of K.S.A. 8-1599, and amendments thereto; (B) been convicted of a violation of K.S.A. 41-727, and amendments thereto; (C) been convicted of any violations listed in ~~subsection (a) of K.S.A. 8-285(a),~~ and amendments thereto; (D) been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period; or (E) had such person's driving privileges revoked, suspended, canceled or withdrawn.

(c) Except as provided in subsection (b), when a person has completed the suspension pursuant to ~~subsection (a) or (b) of K.S.A. 8-1014(a) or (b),~~ and amendments thereto, the division shall restrict the person's driving privileges pursuant to ~~subsection (a) or (b) of K.S.A. 8-1014(a) or (b),~~ and amendments thereto, to driving only a motor vehicle equipped with an ignition interlock device. Upon restricting a person's driving privileges pursuant to this subsection, the division shall issue a copy of the order imposing the restrictions which is required to be carried by the person at any time the person is operating a motor vehicle on the highways of this state.

(d) Whenever an ignition interlock device is required by law, such ignition interlock device shall be approved by the division and maintained at the person's expense. Proof of the installation of such ignition interlock device, for the entire period required by the applicable law, shall be provided to the division before the person's driving privileges are fully reinstated.

(e) Except as provided further, any person whose license is restricted to operating only a motor vehicle with an ignition interlock device installed may operate an employer's vehicle without an ignition interlock device installed during normal business

activities, provided that the person does not partly or entirely own or control the employer's vehicle or business. The provisions of this subsection shall not apply to any person whose driving privileges have been restricted for the remainder of the one-year suspension period as provided in subsection (a)(1) or (a)(3).

(f) Upon expiration of the period of time for which restrictions are imposed pursuant to this section, the licensee may apply to the division for the return of any license previously surrendered by the licensee. If the license has expired, the person may apply to the division for a new license, which shall be issued by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless the person's driving privileges have been suspended or revoked prior to expiration.

(g) Any person who has had the person's driving privileges suspended, restricted or revoked pursuant to ~~subsection (a), (b) or (c)~~ of K.S.A. 8-1014~~(a), (b) or (c)~~, prior to the amendments by section 16 of chapter 172 of the 2012 Session Laws of Kansas and section 14 of chapter 105 of the 2011 Session Laws of Kansas, may apply to the division to have the suspension, restriction or revocation penalties modified in conformity with the provisions of ~~subsection (a), (b) or (c)~~ of K.S.A. 8-1014~~(a), (b) or (c)~~, and amendments thereto. The division shall assess an application fee of \$100 for a person to apply to modify the suspension, restriction or revocation penalties previously issued. The division shall modify the suspension, restriction or revocation penalties, unless such person's driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court.

(h) The division shall remit all application fees collected pursuant to subsections (a) and (g) 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 such moneys to the division of vehicles operating fund until an aggregate amount of \$100,000 is credited to the division of vehicles operating fund each fiscal year. On and after an aggregate amount of \$100,000 is credited to such fund each fiscal year, the entire amount of such remittance shall be credited to the community corrections supervision fund created by K.S.A. 2014 Supp. 75-52,113, and amendments thereto. The application fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such application. 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 page 17, in line 19, after the first comma by inserting "8-1015,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "fund;" by inserting "authorized restrictions of driving privileges, ignition interlock device;"; in line 4, after "8-241," by inserting "8-1015,";

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

JEFF KING  
GREG SMITH  
PAT PETTEY

*Conferees on part of Senate*

JOHN BARKER  
 CHARLES MACHEERS  
 JOHN CARMICHAEL

*Conferees on part of House*

Senator King moved the Senate adopt the Conference Committee Report on **Sub HB 2159**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Haley, Hawk.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2233** 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 23, by striking "November 1," and inserting "the first week of November";

On page 6, in line 18, by striking "implementation"; in line 20, by striking "implementation"; in line 25, by striking "implementation"; in line 27, by striking "implementation"; in line 29, by striking "implementation"; in line 33, by striking "implementation"; in line 42, by striking "implementation";

On page 7, in line 7, by striking "implementation"; in line 9, after "submit" by inserting "any request for an extension of time to file"; also in line 9, after "plan" by inserting ", if necessary, an interim state plan or a final state plan"; in line 10, before "four" by inserting ". Any interim or final state plan shall be submitted by the secretary no less than"; also in line 10, after "deadline" by inserting ", or extended submission deadline,"; in line 11, before "if" by inserting ". Any final state plan submitted to the environmental protection agency may only be submitted"; in line 21, by striking "implementation"; in line 25, by striking "implementation"; in line 28, by striking "implementation";

On page 8, in line 32, by striking the third "the";

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

ROB OLSON  
 MIKE PETERSEN  
 MARCI FRANCISCO

*Conferees on part of Senate*

DENNIS HEDKE  
 KEN CORBET  
 ANNIE KUETHER

*Conferees on part of House*

Senator Olson moved the Senate adopt the Conference Committee Report on **HB 2233**.

On roll call, the vote was: Yeas 35; Nays 1; Present and Passing 2; Absent or Not Voting 2.

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

Nays: Tyson.

Present and Passing: Francisco, Holland.

Absent or Not Voting: Haley, Hawk.

The Conference Committee Report was adopted.

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2074** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2074," as follows:

"Senate Substitute for HOUSE BILL No. 2074

By Committee on Federal and State Affairs

"AN ACT concerning gaming; amending K.S.A. 74-8836 and K.S.A. 2014 Supp. 74-8744, 74-8746, 74-8747 and 74-8751 and repealing the existing sections.";

And the substitute bill be passed.

**HB 2228**, 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. 2228," as follows:

"Senate Substitute for HOUSE BILL No. 2228

By Committee on Federal and State Affairs

"AN ACT concerning abortion; relating to the administration of abortifacient drugs; amending K.S.A. 2014 Supp. 65-4a10 and repealing the existing section.";

And the substitute bill be passed.

Committee on **Financial Institutions and Insurance** recommends **HB 2352** be amended on page 1, by striking all in lines 6 through 36;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 21; following line 21 by inserting:

"Section 1. K.S.A. 2014 Supp. 40-2,194 is hereby amended to read as follows: 40-2,194. (a) (1) (A) Any large 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 which provides coverage for accident and health services and which is delivered, issued for delivery, amended or renewed on or after January 1, 2015, shall provide coverage for the diagnosis and treatment of autism spectrum disorder in any covered individual whose age is less than 12 years.

(B) Any individual or small group grandfathered ~~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 which provides coverage for accident and health services and which is delivered, issued for delivery, amended or renewed on or after January 1, 2016, shall provide coverage for the diagnosis and treatment of autism spectrum disorder in any covered individual whose age is less than 12 years.

(2) Such coverage shall be provided in a manner determined in consultation with the autism services provider and the patient. Services provided by autism services providers under this section shall include applied behavior analysis when required by a licensed physician, licensed psychologist or licensed specialist clinical social worker but otherwise shall be limited to the care, services and related equipment prescribed or ordered by a licensed physician, licensed psychologist or licensed specialist clinical social worker.

(3) Coverage provided under this section for applied behavior analysis shall be subject to a limitation of:

(A) 1,300 hours per calendar year for four years beginning on the later of the date of diagnosis or January 1, 2015, for any covered individual diagnosed with autism spectrum disorder between birth and five years of age; and

(B) except as provided in subparagraph (A), 520 hours per calendar year for any covered individual less than 12 years of age.

Upon prior approval by the health benefit plan, such maximum benefit limit may be exceeded if the provision of applied behavior analysis services beyond the maximum limit is medically necessary for such individual. Any payment made by an insurer on behalf of a covered individual for any care, treatment, intervention, service or item, the provision of which was for the treatment of a health condition unrelated to such covered individual's autism spectrum disorder, shall not be applied toward any maximum benefit established under this paragraph. Except for the coverage for applied behavior analysis, no coverage required under this section shall be subject to the age and hour limitations described in this paragraph.

(4) On or after January 1, 2015, through June 30, 2016, reimbursement shall be allowed only for services provided by a provider licensed, trained and qualified to provide such services or by an autism specialist or an intensive individual service provider as such terms are defined by the Kansas department for aging and disability services Kansas autism waiver. On or after July 1, 2016, reimbursement shall be allowed only for services provided by an autism service provider licensed or exempt from licensure under the applied behavior analysis licensure act, except that reimbursement shall be allowed for services provided by an autism specialist, an intensive individual service provider or any other individual qualified to provide services under the home and community based services autism waiver administered by the Kansas department for aging and disability services.

(5) Any insurer or other entity which administers claims for services provided for the treatment of autism spectrum disorder under this section shall have the right and obligation to deny any claim for services based upon medical necessity or a determination that the covered individual has reached the maximum medical improvement for the covered individual's autism spectrum disorder.

(6) Except for inpatient services, if an insured is receiving treatment for autism

spectrum disorder, such insurer shall have the right to review the treatment plan not more than once in a period of six consecutive months, unless the insurer and the insured's treating physician or psychologist agree that a more frequent review is necessary. Any such agreement regarding the right to review a treatment plan more frequently shall apply only to a particular insured being treated for autism spectrum disorder and shall not apply to all individuals being treated for autism spectrum disorder by a physician or psychologist. The cost of obtaining any review or treatment plan shall be borne by the insurer.

(7) No insurer can terminate coverage, or refuse to deliver, execute, issue, amend, adjust or renew coverage to an individual solely because the individual is diagnosed with or has received treatment for autism spectrum disorder.

(b) For the purposes of this section:

(1) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement and functional analysis of the relationship between environment and behavior.

(2) "Autism spectrum disorder" means a neurobiological disorder, an illness of the nervous system, which includes:

(A) "Autistic disorder," which is:

(i) Six or more items from (a), (b) and (c) of this subparagraph, with at least two items from (a) of this subparagraph, and one item each from (b) and (c) of this subparagraph:

(a) Qualitative impairment in social interaction, as manifested by at least two of the following:

(1) Marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures and gestures to regulate social interaction;

(2) failure to develop peer relationships appropriate to developmental level;

(3) a lack of spontaneous seeking to share enjoyment, interests or achievements with other people; or

(4) lack of social or emotional reciprocity;

(b) qualitative impairments in communication as manifested by at least one of the following:

(1) Delay in, or total lack of, the development of spoken language;

(2) in individuals with adequate speech, marked impairment in the ability to initiate or sustain a conversation with others;

(3) stereotyped and repetitive use of language or idiosyncratic language; or

(4) lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental level;

(c) restricted repetitive and stereotyped patterns of behavior, interests and activities, as manifested by at least one of the following:

(1) Encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus;

(2) apparently inflexible adherence to specific, nonfunctional routines or rituals;

(3) stereotyped and repetitive motor mannerisms; or

(4) persistent preoccupation with parts of objects;

(ii) delays or abnormal functioning in at least one of the following areas, with onset

prior to age three years, including social interaction, language as used in social communication or symbolic or imaginative play; and

(iii) the disturbance is not better accounted for by Rett's disorder or childhood disintegrative disorder;

(B) "Asperger's disorder," which is:

(i) a qualitative impairment in social interaction, as manifested by at least two of the following:

(a) Marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures and gestures to regulate social interaction;

(b) failure to develop peer relationships appropriate to developmental level;

(c) lack of spontaneous seeking to share enjoyment, interests or achievements with other people; or

(d) lack of social or emotional reciprocity;

(ii) restricted repetitive and stereotyped patterns of behavior, interests and activities, as manifested by at least one of the following:

(a) Encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus;

(b) apparently inflexible adherence to specific, nonfunctional routines or rituals;

(c) stereotyped and repetitive motor mannerisms; or

(d) persistent preoccupation with parts of objects;

(iii) the disturbance causes clinically significant impairment in social, occupational or other important areas of functioning;

(iv) there is no clinically significant general delay in language;

(v) there is no clinically significant delay in cognitive development or in the development of age-appropriate self-help skills, adaptive behavior (other than in social interaction), and curiosity about the environment in childhood; and

(vi) criteria are not met for another specific pervasive developmental disorder or schizophrenia;

(C) "pervasive developmental disorder not otherwise specified," is a severe and pervasive impairment in the development of reciprocal social interaction associated with impairment in either verbal or nonverbal communication skills or with the presence of stereotyped behavior, interests and activities, but the criteria are not met for a specific pervasive developmental disorder, schizophrenia, schizotypal personality disorder, or avoidant personality disorder;

(D) "Rett's disorder," includes:

(i) All of the following:

(a) Apparently normal prenatal and perinatal development;

(b) apparently normal psychomotor development through the first five months after birth; and

(c) normal head circumference at birth;

(ii) onset of all of the following after the period of normal development:

(a) Deceleration of head growth between ages five and 48 months;

(b) loss of previously acquired purposeful hand skills between ages five and 30 months with the subsequent development of stereotyped hand movements;

(c) loss of social engagement early in the course of development;

(d) appearance of poorly coordinated gait or trunk movements; and

(e) severely impaired expressive and receptive language development with severe

psychomotor retardation;

(E) "childhood disintegrative disorder," is:

(i) Apparently normal development for at least the first two years after birth as manifested by the presence of age-appropriate verbal and nonverbal communication, social relationships, play and adaptive behavior;

(ii) clinically significant loss of previously acquired skills in at least two of the following areas: Expressive or receptive language, social skills or adaptive behavior, bowel or bladder control or play and motor skills;

(iii) abnormalities of functioning in at least two of the following areas: Qualitative impairment in social interaction; qualitative impairments in communication; restricted, repetitive and stereotyped patterns of behavior, interests and activities, including motor stereotypies and mannerisms; and

(iv) the disturbance is not better accounted for by another specific pervasive developmental disorder or by schizophrenia.

(3) "Diagnosis of autism spectrum disorder" means any medically necessary assessment, evaluation or test performed by a licensed physician, licensed psychologist or licensed specialist clinical social worker to determine whether an individual has autism spectrum disorder.

(4) "Grandfathered health benefit plan" shall have the meaning ascribed to such term in 42 U.S.C. § 18011. The term "grandfathered health benefit plan" includes both small employer group health benefit plans that are grandfathered and individual health benefit plans that are grandfathered.

(5) "Health benefit plan" shall have the meaning ascribed to such term in K.S.A. 40-4602, and amendments thereto.

(6) "Large employer" means, in connection with a group health benefit plan with respect to a calendar year and a plan year, an employer who employed an average of at least ~~5~~10 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year.

(7) "Small employer" means, in connection with a group health benefit plan with respect to a calendar year and a plan year, an employer who employed an average of at least one but not more than ~~50~~100 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year.

(c) If an individual has been diagnosed as having autism spectrum disorder meeting the diagnostic criteria described in the edition of the diagnostic and statistical manual of mental disorders available at the time of diagnosis, then that individual shall not be required to undergo any additional or repeated evaluation based upon the adoption of a subsequent edition of the diagnostic and statistical manual of mental disorders adopted by rules and regulations of the behavioral sciences regulatory board in order to remain eligible for coverage under this section.

(d) Except as otherwise provided in subsection (a), no 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 which provides coverage for accident and health services and which provides coverage with respect to autism spectrum disorder shall:

(1) Impose on the coverage required by this section any dollar limits, deductibles or coinsurance provisions that are less favorable to an insured than the dollar limits, deductibles or coinsurance provisions that apply to physical illness generally under the

accident and sickness insurance policy; or

(2) impose on the coverage required by this section any limit upon the number of visits that a covered individual may make for treatment of autism spectrum disorder.

(e) The provisions of this section shall not apply to any policy or certificate which provides coverage for any specified disease, specified accident or accident-only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-2227, and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rules and regulations, any coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

(f) This section shall not be construed as limiting benefits that are otherwise available to an individual under 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 which provides coverage for accident and health services.

(g) The provisions of K.S.A. 40-2249a, and amendments thereto, shall not apply to the provisions of this section.

(h) The commissioner of the department of insurance shall grant a small employer with a group health benefit plan a waiver from the provisions of this section, if the small employer demonstrates to the commissioner by actual claims experience over any consecutive twelve-month period that compliance with this section has increased the cost of the health insurance policy by an amount of two and a half percent or greater over the period of a calendar year in premium costs to the small employer.

(i) Nothing contained in this section shall require coverage for or payment of full or partial day care or habilitation services, community support services, services at intermediate care facilities, school-based rehabilitative services or overnight, boarding and extended stay services at facilities for autism patients. Only services actually rendered on an hourly basis or fractional portion thereof by certified applied behavior analysis (ABA) providers as herein defined shall be required to be covered under this section. Nothing in this section shall require coverage or payment hereunder for services that are otherwise provided, authorized or required to be provided by public or private schools receiving any state or federal funding for such services.

Sec. 2. K.S.A. 2014 Supp. 40-2,194 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after January 1, 2016, and its publication in the statute book.";

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "insurance; relating to coverage for autism spectrum disorder; amending K.S.A. 2014 Supp. 40-2,194 and repealing the existing section"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, May 14, 2015.

# Journal of the Senate

SIXTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, May 14, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 38 senators present.  
Senators Haley and Hawk were excused.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, The days here are winding down. The clock is ticking while Your Word in Ephesians 5:16 and Colossians 4:5, talks to us about time; not so much about calendar time that is continuously being measured as it passes and expires, but more so about the use of time and the importance of how it is used. You have admonished each of us, to use for Your purposes, the particular period of time that You have allotted. You've set limits to our existence. Time is short. And the opportunity for service exists only within those limits. While we cannot control the continuous passing of time, You've cautioned us to be good stewards over the time that we've been given. Lord, I'm reminded of little Johnny. When his mother's repeated calls reached that stern authoritative pitch, Johnny, who was outside playing with his friends, said, "Gotta Go Now!" One day, we'll hear that authoritative call from You. And the word to our friends will be, "Gotta Go Now!" But you've put the awareness of eternity in our hearts (Ecclesiastes 3:11). So help us make good investments during the time we have and reap benefits in eternity. When the time of our stewardship has concluded and the work on this side is done, let us hear those precious words from You, in Matthew 25:21, "Servant, well done." I come to You in the precious name of Jesus. Amen and Amen

The Pledge of Allegiance was led by President Susan Wagle.

## **POINT OF PERSONAL PRIVILEGE**

Senator McGinn rose on a Point of Personal Privilege to introduce her administrative assistant, Rita Hamman, who is retiring after 15 years of legislative service. She thanked Rita for all her years of professional service to the State of Kansas.

Senators honored Rita with a standing ovation.

## **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 306**, AN ACT concerning the open records act; relating to definitions; public agency and public record; amending K.S.A. 2014 Supp. 45-217 and repealing the existing section, by Senator Baumgardner.

**SB 307**, AN ACT concerning the open records act; relating to definitions; public agency and public record; amending K.S.A. 2014 Supp. 45-217 and repealing the existing section, by Committee on Ways and Means.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was referred to Committee as indicated:

Ways and Means: **SB 305**.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Schmidt, Hensley and Kelly introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1748—

A RESOLUTION congratulating and commending Dr. Brenda S. Dietrich  
for her more than 40 years of dedicated service in education  
upon her retirement from Auburn-Washburn school district in 2015.

WHEREAS, Auburn-Washburn Superintendent Dr. Brenda S. Dietrich is to retire at the end of the 2014-2015 school year, after more than 40 years of dedicated service in education; and

WHEREAS, Dr. Dietrich has served the Auburn-Washburn school district for 14 years. One of her first tasks as superintendent was to implement Shawnee County's first district-wide full-day kindergarten program. The program was made possible when patrons approved classroom expansion in a 2000 bond election; and

WHEREAS, The Auburn-Washburn school district has seen steady growth from 5,072 students in 2001 to an anticipated enrollment of around 6,100 this upcoming school year. Dr. Dietrich oversees a \$45 million operating budget with approximately 1,000 employees. Auburn-Washburn is the second largest district in Shawnee County and the 15<sup>th</sup> largest in Kansas; and

WHEREAS, During Dr. Dietrich's tenure in the Auburn-Washburn school district, test scores have risen steadily despite fluctuating changes in state aid. The district met such challenges prudently and continued to make improvements in all aspects of educational and extra-curricular opportunities for students; and

WHEREAS, Programs that have been added since Dr. Dietrich took her position as superintendent of Auburn-Washburn back in 2001 include full-day kindergarten, expansion of elementary art, Mandarin Chinese, international baccalaureate diploma program, Air Force JROTC program, AB/BC calculus, AP chemistry, and Tallgrass Student Learning Center, all of which serve to keep Auburn-Washburn students achieving at the highest levels; and

WHEREAS, In 2007, Dr. Dietrich led the district through a successful \$67.95 million bond campaign and redistricting of four elementary school boundaries. The bond allowed for the construction of Farley Elementary School, Topeka's first new school in 20 years. In addition, Washburn Rural Middle School and Washburn Rural High School received substantial expansion and remodeling. All elementary schools were expanded and remodeled as well, with many safety, security and technology improvements; and

WHEREAS, Dr. Dietrich graduated from McPherson High School and received her Bachelor of Science Degree in Elementary Education from Kansas State University in 1975. She also has an M.A. and Ph.D. in Education Administration from the University of Missouri. Dr. Dietrich taught for nine years before becoming an administrator and is now in her 40<sup>th</sup> year in education. Prior to leading Auburn-Washburn, she was Superintendent of Schools for five years in the Hampden-Wilbraham Regional School District in Wilbraham, Massachusetts; and

WHEREAS, Dr. Dietrich was named the 2007 Kansas Superintendent of the Year by the Kansas School Superintendents Association and was one of four finalists for National Superintendent of the Year; and

WHEREAS, Dr. Dietrich is actively engaged in professional activities throughout the community and state. She currently serves on the Board of Leadership Kansas, Jayhawk Council of Boy Scouts, Junior Achievement, Kansas Advisory Board for Juvenile Justice, United School Administrators, American Association of School Administrators Governing Board and Kansas School Superintendent's Association. Dr. Dietrich also served on the boards of the Greater Topeka Chamber of Commerce, United Way of Greater Topeka, Family Service and Guidance Center and the Governor's P-20 Council; and

WHEREAS, In 2001, Dr. Dietrich replaced retiring Superintendent Howard Shuler, who served in that position for 19 years. There have been only two superintendents at Auburn-Washburn in the past 33 years, which is a testament to the stability of the district and the supportive community. Dr. Dietrich will serve as Superintendent of Auburn-Washburn until August 1, 2015: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Dr. Brenda S. Dietrich on her honorable career in education and service to the Auburn-Washburn school district. Dr. Dietrich's accomplishments and legacy will forever be remembered by the State of Kansas and Auburn-Washburn school district; and

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

On emergency motion of Senator Schmidt **SR 1748** was adopted by voice vote.

Senators honored Dr. Dietrich and her daughter, Lauren, with a standing ovation.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

### **CHANGE OF CONFERENCE**

The Vice President announced the appointment of Senator Pyle as a member of the Conference Committee on **HB 2364** to replace Senator Love.

The Vice President announced the appointment of Senator Fitzgerald as a member of the Conference Committee on **HB 2364** to replace Senator Kerschen.

The Vice President announced the appointment of Senator Faust-Goudeau as a member of the Conference Committee on **HB 2364** to replace Senator Francisco.

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **HB 2154**.

The House adopts the Conference Committee report on **Sub HB 2159**.

The House adopts the Conference Committee report on **HB 2233**.

The House concurs in Senate amendments to **HB 2106**, and requests return of the bill.

The House adopts the Conference Committee report on **H Sub SB 91**.

**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 48**; **S Sub HB 2074**; **S Sub Sub HB 2170**; **HB 2223**, **HB 2331**; and **HB 2352**.

**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 48** be passed.

A motion by Senator Francisco to amend **SB 48** failed and the following amendment was rejected: on page 1, following line 32, by inserting:

"Sec. 2. K.S.A. 2014 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 subsection (a) or (b) who have low incomes and dependent children and own\_or\_rent their homestead.

Sec. 3. K.S.A. 2014 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 effective for tax year 2013 and thereafter without regard to any modifications pursuant to K.S.A. 79-32,117(b)(xx) through (xxiii) and (c)(xx), and amendments thereto, 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. 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) "Rent constituting property taxes accrued" means 10% of the gross rent actually paid in cash or its equivalent in 2015 or any taxable year thereafter by a claimant and claimant's household solely for the right of occupancy of a Kansas homestead on which ad valorem property taxes were levied in full for that year. When a household occupies two or more different homesteads in the same calendar year, rent constituting property taxes accrued shall be computed by adding the rent constituting property taxes accrued for each property rented by the household while occupied by the household as its homestead during the year.

(k) "Gross rent" means the rental paid at arm's length solely for the right of

occupancy of a homestead or space rental paid to a landlord for the parking of a mobile home, exclusive of charges for any utilities, services, furniture and furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. Whenever the director of taxation finds that the landlord and tenant have not dealt with each other at arm's length and that the gross rent charge was excessive, the director may adjust the gross rent to a reasonable amount for the purposes of the claim.

Sec. 4. K.S.A. 2014 Supp. 79-4508 is hereby amended to read as follows: 79-4508. (a) Commencing in the tax year beginning after December 31, ~~2005~~ 2014, the amount of any claim pursuant to this act shall be computed by deducting the amount computed under column (2) from the amount of claimant's property tax accrued or rent constituting property tax accrued, or both.

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

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

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

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

Sec. 5. K.S.A. 2014 Supp. 79-4509 is hereby amended to read as follows: 79-4509. In the event property taxes accrued or rent constituting property taxes accrued, or the sum of both, exceeds \$700 for a household in any one year, the amount thereof ~~shall~~, for purposes of this act, shall be deemed to have been \$700.

Sec. 6. K.S.A. 2014 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(g), 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. 7. K.S.A. 2014 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.;

Also on page 1, in line 33, by striking "is" and inserting ", 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "property"; in line 3, after the semicolon by inserting "homestead property tax refund, eligibility, renters;"; in line 4, after "79-227" by inserting ", 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522"; also in line 4, by striking "section" and inserting "sections"

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

On roll call, the vote was: Yeas 13; Nays 18; Present and Passing 4; Absent or Not Voting 5.

Yeas: Faust-Goudeau, Fitzgerald, Francisco, Hensley, Holland, Kelly, Knox, LaTurner, McGinn, O'Donnell, Petersen, Pettey, Schmidt.

Nays: Abrams, Arpke, Bruce, Denning, Donovan, Kerschen, King, Love, Lynn, Masterson, Melcher, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wilborn.

Present and Passing: Baumgardner, Holmes, Olson, Wolf.

Absent or Not Voting: Bowers, Haley, Hawk, Longbine, Wagle.

A motion by Senator Francisco to amend **SB 48** was withdrawn.

**HB 2223, HB 2352** be amended by the adoption of the committee amendments, and the bills be passed as amended. An amendment by Senator O'Donnell on **HB 2223** was withdrawn.

The committee report on **HB 2074** recommending **S Sub HB 2074** be adopted, be amended by motion of Senator Powell, on page 12, following line 34, by inserting:

"Sec. 7. K.S.A. 2014 Supp. 74-8814 is hereby amended to read as follows: 74-8814. (a) (1) Subject to the provisions of subsection (b), the commission shall establish by rules and regulations an application fee not exceeding ~~-\$500~~ \$50 for any ~~of the following organization listed in paragraph (2)~~ which applies for an organization license and the license fee for any of the following granted an organization license shall be ~~\$100~~ \$25 for each day of racing approved by the commission:

~~(1) (2)~~ Any fair association ~~other than the Greenwood county and Anthony fair associations~~, any horsemen's nonprofit organization or the national greyhound association of Abilene, Kansas, if: (A) Such association conducts not more than two race meetings each year; (B) such race meets are held within the boundaries of the county where the applicant is located; and (C) such race meetings are held for a total of not more than 40 days per year; ~~or~~

~~(2) the Greenwood county fair association or a horsemen's nonprofit organization, with respect to race meetings conducted by such association or organization at Eureka Downs, or the Anthony fair association or a horsemen's nonprofit organization, with respect to race meetings conducted by such association or organization at Anthony Downs, for which the number of race meetings and days, and the dates thereof, shall be specified by the commission.~~

(b) The commission shall adopt rules and regulations providing for expedited, simplified and less costly procedures and requirements for fair associations and horsemen's nonprofit organizations applying for or holding a license to conduct race meetings.

(c) The Kansas racing and gaming commission shall investigate the criminal background and credit history of:

(1) The president, vice-president, secretary and treasurer of a fair association, and such other members as the commission considers necessary, to determine eligibility for an organization license;

(2) each officer and each director of a nonprofit horsemen's organization, and such other members or shareholders as the commission considers necessary to determine eligibility for an organization license.

(d) Except as otherwise provided by this section, all applicants for organization licenses for the conduct of race meetings pursuant to the provisions of this section shall be required to comply with all the provisions of K.S.A. 74-8813, and amendments thereto.";

Also on page 12, in line 36, by striking "and" and inserting a comma; also in line 36, after "74-8751" by inserting "and 74-8814";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking the first "and" and inserting a comma; also in line 2, after "74-8751" by inserting "and 74-8814".

**S Sub HB 2074** be further amended by motion of Senator Abrams, on page 12, following line 34, by inserting:

"New Sec. 7. (a) Prior to any 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 such person is listed in the state debtor files, the prize shall be withheld by the 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 lottery gaming facility manager, racetrack gaming facility manager and facility owner licensee shall not be subject to any civil, criminal or administrative liability for any actions taken pursuant to this section, unless such actions are intentional, malicious or wanton by such 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 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.

(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) Nothing in this section shall apply to Native American tribal gaming facilities.

(f) This section shall be part of and supplemental to the state debt setoff program.

Sec. 8. K.S.A. 2014 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, lottery gaming facility manager, 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.";

Also on page 12, in line 36, by striking "and" and inserting a comma; also in line 36,

after "74-8751" by inserting "and 75-6204";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to debt setoff from gaming winnings;"; in line 2, by striking the first "and" and inserting a comma; also in line 2, after "74-8751" by inserting "and 75-6204"

and **S Sub HB 2074** be passed as amended.

**HB 2331** be amended by the adoption of the committee amendments, be amended by motion of Senator O'Donnell on page 4, in line 8, after the semicolon by inserting "or"; in line 12, by striking ";or"; by striking all in lines 13 and 14; in line 15, by striking all before the period;

On page 13, by striking all in lines 10 through 35; following line 35, by inserting:

"Sec. 7. K.S.A. 2014 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, the maker's family, guests and judges at a contest or competition of such beverages, provided, the maker receives no compensation for producing such beverages or for allowing the consumption thereof;

(c) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of the medical or dental profession;

(d) any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or institution;

(e) any drugstore employing a licensed pharmacist from possessing and using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

(f) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church;

(g) the sale of wine to a consumer in this state by a person which holds a valid license authorizing the manufacture of wine in this or another state and the shipment of such wine directly to such consumer, subject to the following: (1) The consumer must be at least 21 years of age; (2) the consumer must purchase the wine while physically present on the premises of the wine manufacturer; (3) the wine must be for the consumer's personal consumption and not for resale; and (4) the consumer shall comply with the provisions of K.S.A. 41-407, and amendments thereto, by payment of all applicable taxes within such time after purchase of the wine as prescribed by rules and regulations adopted by the secretary;

(h) the serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to 26 U.S.C.A. § 501(c) and by

committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto; ~~or~~

(i) the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or owner's agent at an event sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the governing body of the city, county or township wherein the event will take place and whereby the director of the alcoholic beverage control has been notified thereof no less than 10 days in advance; ~~or~~

(j) any unlicensed business from authorizing the possession and consumption of alcoholic liquor or cereal malt beverage by patrons of such business on private property owned or leased by such business when such alcoholic liquor or cereal malt beverage is in the personal possession of the patron and is not sold, offered for sale or given away by the owner of such business or any employees thereof.

~~(j)~~ (k) (1) For purposes of subsection (b), the term "guest" means a natural person who is known to the host and receives a personal invitation to an event conducted by the host. The term "guest" shall not mean a natural person who receives an invitation to an event conducted by the host when such invitation has been made available to the general public.

(2) For purposes of subsection (j), "patron" means a natural person who is a customer of an unlicensed business."

Also on page 13, in line 36, after "Supp." by inserting "41-104,";

On page 1, in the title, in line 5, after "Supp." by inserting "41-104,"

**HB 2331** be further amended by motion of Senator Baumgardner, on page 3, following line 7, by inserting:

"New Section 1. (a) Any person engaged in business as a vineyard with not less than 100 vines may apply to the director for an annual vineyard permit.

(b) A vineyard permit shall authorize the sale in the original, unopened container and the serving by the drink of wine on the premises specified in the permit. A vineyard permit also shall authorize the permit holder to conduct wine tastings in accordance with K.S.A. 2014 Supp. 41-308d, and amendments thereto, on the premises specified in the permit. All wine sold or served by the permit holder shall be produced, in whole or in part, using grapes grown by the permit holder.

(c) Any wine not consumed on the premises shall be disposed of by the permit holder or, prior to its removal from the property, securely re-sealed and placed in a tamper-proof, transparent bag which is sealed in a manner that makes it visibly apparent if the bag is subsequently opened.

(d) Permits issued under this section shall be valid for one year from the date of issuance.

(e) The annual fee for a vineyard permit shall be \$100.

(f) The secretary may adopt rules and regulations as necessary to implement the provisions of this section.

(g) This section shall be part of and supplemental to the Kansas liquor control act.";

And by renumbering sections accordingly.

**HB 2331** be further amended by motion of Senator O'Donnell on page 13, following line 35, by inserting:

"Sec. 8. K.S.A. 2014 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;

(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

(7) offer customer self-service of wine from automated devices on licensed premises so long as the licensee monitors and has the ability to control the dispensing of

such wine from the automated devices.

(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.

(f) Violation of any provision of this section is a misdemeanor punishable as provided by K.S.A. 41-2633, and amendments thereto.

(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.";

Also on page 13, in line 37, by striking "and" and inserting ", 41-2640 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, by striking the first "and" and inserting ", 41-2640 and".

**HB 2331** be further amended by motion of Senator Lynn on page 5, following line 21, by inserting:

"(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.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

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

On roll call, the vote was: Yeas 21; Nays 16; Present and Passing 1; Absent or Not Voting 2.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Faust-Goudeau, Fitzgerald, Holmes, King, LaTurner, Longbine, Lynn, Melcher, O'Donnell, Olson, Pilcher-Cook, Powell, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Donovan, Francisco, Hensley, Holland, Kelly, Kerschen, Knox, Love, Masterson, McGinn, Ostmeyer, Petersen, Pyle, Schmidt, Tyson.

Present and Passing: Pettey.

Absent or Not Voting: Haley, Hawk.

The motion passed and **HB 2331** be passed as further amended.

Senator Bruce made a motion to amend **HB 2331**, on page 13, following line 35, by inserting:

"New Sec. 8. (a) On and after July 1, 2016, the director may issue to qualified applicants a beer retailer's license. A beer retailer's license shall allow the licensee to sell and offer for sale at retail and deliver in the original package, as therein prescribed, beer for use or consumption off of and away from the premises specified in such license.

(b) A beer retailer's license shall permit the sale and delivery of beer only on the licensed premises and shall not permit the sale of beer for resale in any form, except that the licensee may:

(1) Sell beer to a temporary permit holder for resale by such temporary permit holder; and

(2) sell and deliver beer to a caterer or to the licensed premises of a tavern, club or drinking establishment, if such premises are in the county where the retailer's licensed premises are located or in an adjacent county, for resale by such caterer, tavern, club or drinking establishment.

(c) A beer retailer's licensee may:

(1) Charge a delivery fee for delivery of beer to a caterer, tavern, club or drinking establishment pursuant to subsection (b);

(2) sell lottery tickets and shares to the public in accordance with the Kansas lottery act, if the licensee is selected as a lottery retailer;

(3) include in the sale of beer any goods included by the manufacturer in packaging with the beer, subject to the approval of the director;

(4) distribute to the public, without charge, consumer advertising specialties bearing advertising matter, subject to rules and regulations of the secretary limiting the form and distribution of such specialties so that they are not conditioned on or an inducement to the purchase of beer;

(5) store beer in refrigerators, cold storage units, ice boxes or other cooling devices, and sell such beer to consumers in a chilled condition; and

(6) sell any other good or service on the licensed premises.

(d) A beer retailer's license shall be subject to the provisions of K.S.A. 41-1101, and amendments thereto, prohibiting a retailer from purchasing alcoholic liquor from a distributor, who has not filed with the director a sworn statement agreeing to sell to all retailers in the distributor's franchised territory at the same unit price and prohibiting a distributor from selling alcoholic liquor to a retailer at a discount for multiple case lots. A beer retailer's license also shall be subject to the provisions of K.S.A. 41-729, and amendments thereto, prohibiting the sale of alcoholic liquor at less than the acquisition cost thereof.

(e) This section shall be part of and supplemental to the Kansas liquor control act.

New Sec. 9. (a) The director may propose rules and regulations necessary to implement and administer the provisions of this act, and submit such rules and regulations to the secretary in accordance with K.S.A. 41-210, and amendments thereto. Such rules and regulations may include, but are not limited to:

(1) That on and after July 1, 2016, the number of beer retailer's licenses that are issued by the director in any one month may be limited to that number which may be reasonably processed and issued by the director based on the resources of the division of alcoholic beverage control; and

(2) that submission of applications for a beer retailer's license to the director and review of such applications by the director for compliance with the Kansas liquor control act may be permitted prior to July 1, 2016.

(b) This section shall be part of and supplemental to the Kansas liquor control act.

New Sec. 10. (a) On and after July 1, 2016, 3% of the revenue remitted to the state treasurer pursuant to K.S.A. 79-4108, and amendments thereto, during the prior calendar year quarter that is deposited in the state treasury shall be credited to the local beer sales enforcement fund, which is hereby created in the state treasury. Moneys credited to the local beer sales enforcement fund shall be distributed quarterly as part of the January, April, July and October sales tax distribution to each city and county which levied a local retailers' sales tax. The amount to be distributed to each city and county shall be determined by the department of revenue based on a weighted population average. The weighted population average shall be computed by multiplying the total tax rate in effect for the city or county by the population of such city or county. The weighted population average for each city and county shall then be divided by the total Kansas population. The resulting quotient is the percentage of distribution for such city or county. The population data shall be updated annually with the issuance of the certified population data through the division of the budget.

(b) The local beer sales enforcement fund shall be used for the purposes set forth in K.S.A. 79-4101 et seq., and amendments thereto, and for no other governmental purposes. It is the intent of the legislature that the local beer sales enforcement fund shall remain intact and inviolate for the purposes set forth in K.S.A. 79-4101 et seq., and amendments thereto, and moneys in the local beer sales enforcement fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(c) This section shall be part of and supplemental to the Kansas liquor control act.

New Sec. 11. (a) As used in the Kansas liquor control act:

(1) "Beer retailer's license" means a license to sell at retail beer in the original package issued pursuant to the Kansas liquor control act.

(2) "Convenience store" means a retail business with primary emphasis placed on providing the public a convenient location to quickly purchase from a wide array of consumable products (predominantly food or food and gasoline) and services.

(3) "Grocery store" means an establishment primarily engaged in retailing a general line of groceries, including, but not limited to, packaged food, fresh and frozen food, prepared foods and other consumable products, and includes establishments primarily engaged in retailing a general line of groceries in combination with general lines of new merchandise.

(4) "Liquor store" means an establishment whose primary business is the retail sale of alcoholic liquor in the original and unopened container and not for consumption on the premises.

(5) "Retailer's license" means a license to sell at retail alcoholic liquor in the original package issued pursuant to the Kansas liquor control act.

(b) This section shall be part of and supplemental to the Kansas liquor control act.

New Sec. 12. (a) On and after July 1, 2016, whenever the term "cereal malt beverage" is referred to by statute, such reference shall be deemed to mean "beer" as that term is defined in K.S.A. 41-102, and amendments thereto.

(b) This section shall be part of and supplemental to the Kansas liquor control act.

New Sec. 13. (a) A license for a tavern shall allow the licensee to offer for sale, sell and serve beer by the individual drink for consumption on the licensed premises which may be open to the public, and to serve samples of beer free of charge on the licensed premises subject to the requirements of subsection (b), but only if such premises are located in a county where the qualified electors of the county have 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 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 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) 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.

(c) A tavern 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.

(d) This section shall be part of and supplemental to the club and drinking establishment act.

(e) This section shall be effective from and after July 1, 2016.

Sec. 14. From and after July 1, 2016, K.S.A. 2014 Supp. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic liquor" means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, ~~but shall not include any cereal malt beverage.~~

(c) "Beer" means ~~a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or decoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content~~ beer, ale, porter, stout and other similar fermented beverages, including saké or similar products, of any name or description containing 0.5% or more of alcohol by volume, that is brewed or produced, wholly or in part, from malt, rice, grain of any kind, bran, glucose, sugar or molasses.

~~(d)~~ "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(e)~~ "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

~~(f)~~ (e) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(g)~~ (f) "Director" means the director of alcoholic beverage control of the

department of revenue.

—~~(h)~~ (g) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act ~~or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.~~

—~~(i)~~ (h) "Domestic beer" means beer which contains not more than 10% alcohol by weight and which is manufactured in this state.

—~~(j)~~ (i) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

—~~(k)~~ (j) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

—~~(l)~~ (k) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

—~~(m)~~ (l) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

—~~(n)~~ (m) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

—~~(o)~~ (n) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, ~~beer or cereal malt beverage.~~

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

—~~(p)~~ (o) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer.

—~~(q)~~ (p) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

—~~(r)~~ (q) "Minor" means any person under 21 years of age.

—~~(s)~~ (r) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

—~~(t)~~ (s) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

—~~(u)~~ (t) "Person" means any natural person, corporation, partnership, trust or association.

—~~(v)~~ (u) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

—~~(w)~~ (v) (1) "Retailer" means a person who sells at retail, or offers for sale at retail, alcoholic liquors.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.  
~~(x)~~ (w) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

~~(y)~~ (x) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor ~~or cereal-malt beverage~~; or

(2) is engaged in promoting the sale of alcoholic liquor ~~or cereal-malt beverage~~, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor ~~or cereal-malt beverage~~, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

~~(z)~~ (y) "Secretary" means the secretary of revenue.

~~(aa)~~ (z) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to licensed taverns, licensed clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed tavern, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

~~(bb)~~ (aa) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

~~(cc)~~ (bb) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

~~(dd)~~ (cc) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

~~(ee)~~ (dd) "Supplier" means a manufacturer of alcoholic liquor ~~or cereal-malt beverage~~ or an agent of such manufacturer, other than a salesperson.

~~(ff)~~ (ee) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(gg)~~ (ff) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies.

Sec. 15. From and after July 1, 2016, K.S.A. 2014 Supp. 41-301 is hereby amended to read as follows: 41-301. (a) ~~Except as provided by subsection (b), the director shall issue to qualified applicants, who have filed the bond and paid the registration and license fees required by this act, licenses to sell at retail alcoholic liquor in the original package on premises within the corporate limits of cities and outside the corporate limits of any city.~~

~~(b)~~ No retailer's license or beer retailer's license shall be issued for premises within a city if the governing body of such city, on or before February 15, 2006, ~~adopts~~ adopted an ordinance prohibiting the licensing of the sale at retail of alcoholic liquor in the original package within such city. ~~Upon adoption of such ordinance, the city clerk promptly shall transmit a copy of such ordinance to the director and the director shall~~

refuse to issue licenses to sell at retail alcoholic liquor in the original package in such city. If the governing body adopts such an ordinance, the holder of any valid existing retailer's license for premises in such city shall have the right to continue to operate under such license for a period of 90 days after the effective date of the ordinance or until the expiration of such license, whichever period of time is shorter. If such period of time expires before the expiration of the term for which the retailer's license was issued, the licensee shall be entitled to a refund of the license fee for the unexpired portion of the license period which remains, in accordance with rules and regulations adopted by the secretary.

~~(e)~~ (b) No retailer's license or beer retailer's license shall be issued for premises within a city if, after November 15, 2005, a majority of the qualified voters of such city voting at an election held as provided by K.S.A. 41-302, and amendments thereto, votes against the licensing of the sale at retail of alcoholic liquor in the original package within such city unless, at a subsequent election, a majority of the qualified voters of such city voting at such election votes in favor of the licensing of the sale at retail of alcoholic liquor in the original package within such city.

Sec. 16. From and after July 1, 2016, K.S.A. 2014 Supp. 41-303 is hereby amended to read as follows: 41-303. ~~(a) The director may issue to qualified applicants licenses to sell at retail alcoholic liquor in the original package on premises not located in an incorporated city for use or consumption off the premises. No such license shall be issued to any applicant unless the applicant possesses all the qualifications required of other applicants for retailers' licenses except the qualification of residency within a city.~~

~~No such No retailer's license or beer retailer's license shall be issued to any applicant under this section for premises not located in an incorporated city unless the board of county commissioners of the county in which the premises for which licensure is sought are located adopts a resolution approving the issuance of such license. A certified copy of such resolution shall accompany the application for a such license authorized by this section.~~

~~(b) If a license has been issued under the provisions of this section in the unincorporated area of a county and thereafter the premises so licensed are annexed to a city wherein retail liquor licenses may be issued, such license shall continue to be valid and may be renewed at the appropriate time even though the licensee does not reside in the city to which the area is annexed if the licensee otherwise is qualified and resides in the township in which the premises were located prior to annexation or in the city to which the premises have been annexed.~~

~~(e)~~ Any retail Any retailer's license issued prior to the effective date of this act for premises not located in an incorporated city shall continue to be valid and such premises shall continue to be eligible for licensure if the board of county commissioners of the county in which the premises are located has adopted a resolution approving the issuance of such license. A certified copy of such resolution shall accompany the application for a such license authorized by this subsection.

Sec. 17. From and after July 1, 2016, K.S.A. 2014 Supp. 41-304 is hereby amended to read as follows: 41-304. Licenses issued by the director shall be of the following classes: (a) Manufacturer's license; (b) spirits distributor's license; (c) wine distributor's license; (d) beer distributor's license; (e) retailer's license; (f) beer retailer's license; ~~(g)~~ (g) microbrewery license; ~~(g)~~ (h) microdistillery license; ~~(h)~~ (i) farm winery license; and ~~(f)~~ (j) nonbeverage user's license.

Sec. 18. From and after July 1, 2016, K.S.A. 2014 Supp. 41-308 is hereby amended to read as follows: 41-308. (a) Except as provided in K.S.A. 2014 Supp. 41-308d, and amendments thereto, a retailer's license shall allow the licensee to sell and offer for sale at retail and deliver in the original package, as therein prescribed, alcoholic liquor for use or consumption off and away from the premises specified in such license. A retailer's license shall permit sale and delivery of alcoholic liquor only on the licensed premises and shall not permit sale of alcoholic liquor for resale in any form, except that a licensed retailer may:

(1) Sell alcoholic liquor to a temporary permit holder for resale by such permit holder; and

(2) sell and deliver alcoholic liquor to a caterer or to the licensed premises of a public venue, tavern, club or drinking establishment, if such premises are in the county where the retailer's premises are located or in an adjacent county, for resale by such public venue, tavern, club, establishment or caterer.

~~(b) The holder of a retailer's license shall not sell, offer for sale, give away or permit to be sold, offered for sale or given away in or from the premises specified in such license any service or thing of value whatsoever except alcoholic liquor in the original package, except that a licensed retailer may:~~

~~(1) Charge a delivery fee for delivery to a public venue, tavern, club, drinking establishment or caterer pursuant to subsection (a);~~

~~(2) sell lottery tickets and shares to the public in accordance with the Kansas lottery act, if the retailer is selected as a lottery retailer;~~

~~(3) include in the sale of alcoholic liquor any goods included by the manufacturer in packaging with the alcoholic liquor, subject to the approval of the director; and~~

~~(4) distribute to the public, without charge, consumer advertising specialties bearing advertising matter, subject to rules and regulations of the secretary limiting the form and distribution of such specialties so that they are not conditioned on or an inducement to the purchase of alcoholic liquor;~~

~~(5) store alcoholic liquor in refrigerators, cold storage units, ice boxes or other cooling devices, and the licensee may sell such alcoholic liquor to consumers in a chilled condition; and~~

~~(6) sell any other good or service on the licensed premises.~~

~~(e) No licensed retailer shall furnish any entertainment in such premises or permit any pinball machine or game of skill or chance to be located in or on such premises.~~

~~(d) A retailer's license shall allow the licensee to store alcoholic liquor in refrigerators, cold storage units, ice boxes or other cooling devices, and the licensee may sell such alcoholic liquor to consumers in a chilled condition.~~

Sec. 19. From and after July 1, 2016, K.S.A. 2014 Supp. 41-310 is hereby amended to read as follows: 41-310. (a) At the time application is made to the director for a license of any class, the applicant shall pay the fee provided by this section.

(b) The fee for a manufacturer's license to manufacture alcohol and spirits shall be \$5,000.

(c) The fee for a manufacturer's license to manufacture beer ~~and cereal malt beverage~~ shall be:

(1) For 1 to 100 barrel daily capacity or any part thereof, \$400.

(2) For 100 to 150 barrel daily capacity, \$800.

(3) For 150 to 200 barrel daily capacity, \$1,400.

- (4) For 200 to 300 barrel daily capacity, \$2,000.
- (5) For 300 to 400 barrel daily capacity, \$2,600.
- (6) For 400 to 500 barrel daily capacity, \$2,800.
- (7) For 500 or more barrel daily capacity, \$3,200.

As used in this subsection, "daily capacity" means the average daily barrel production for the previous 12 months of manufacturing operation. If no basis for comparison exists, the licensee shall pay in advance for operation during the first term of the license a fee of \$2,000.

(d) The fee for a manufacturer's license to manufacture wine shall be \$1,000.

(e) (1) The fee for a microbrewery license, a microdistillery license or a farm winery license shall be \$500.

(2) The fee for a winery outlet license shall be \$100.

(3) The fee for a microbrewery packaging and warehousing facility license shall be \$200.

(4) The fee for a microdistillery packaging and warehousing facility license shall be \$200.

(f) The fee for a spirits distributor's license for the first and each additional distributing place of business operated in this state by the licensee and wholesaling and jobbing spirits shall be \$2,000.

(g) The fee for a wine distributor's license for the first and each additional distributing place of business operated in this state by the licensee and wholesaling and jobbing wine shall be \$2,000.

(h) The fee for a beer distributor's license, for the first and each additional wholesale distributing place of business operated in this state by the licensee and wholesaling or jobbing beer ~~and cereal malt beverage~~ shall be \$2,000.

(i) The fee for a nonbeverage user's license shall be:

(1) For class 1, \$20.

(2) For class 2, \$100.

(3) For class 3, \$200.

(4) For class 4, \$400.

(5) For class 5, \$1,000.

(j) In addition to the license fees prescribed by subsections (b), (c), (d), (f), (g), (h) and (i):

(1) Any city in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not exceeding the amount of the license fee required to be paid under this act to obtain the license, but no city shall impose an occupation or privilege tax on the licensee in excess of that amount; and

(2) any township in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not exceeding the amount of the license fee required to be paid under this act to obtain the license, but no township shall impose an occupation or privilege tax on the licensee in excess of that amount; the township board of the township is authorized to fix and impose the tax and the tax shall be paid by the licensee to the township treasurer, who shall issue a receipt therefor to the licensee and shall cause the tax paid to be placed in the general fund of the township.

(k) The fee for a retailer's license shall be \$500.

(l) The fee for a beer retailer's license shall be \$2,000.

~~(+)(m)~~ In addition to the license fee prescribed by subsection (k):

(1) Any city in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not less than \$200 nor more than \$600, but no other occupation or excise tax or license fee shall be levied by any city against or collected from the licensee; and

(2) any township in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not less than \$200 nor more than \$600; the township board of the township is authorized to fix and impose the tax and the tax shall be paid by the licensee to the township treasurer, who shall issue a receipt therefor to the licensee and shall cause the tax paid to be placed in the general fund of the township.

~~(+)(n)~~ (n) The license term for a license shall commence on the date the license is issued by the director and shall end two years after that date. The director may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond the date such license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to this section by the same number of days the director has extended the license term.

Sec. 20. From and after July 1, 2016, K.S.A. 2014 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 is not a citizen of the United States;
- (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; ~~or the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause~~ except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;
- (4) who has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;
- (5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;
- (6) who is not at least 21 years of age;
- (7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;
- (8) who intends to carry on the business authorized by the license as agent of another;
- (9) who at the time of application for renewal of any license issued under this act

would not be eligible for the license upon a first application, except as provided by subsection ~~(a)(12)~~ (a)(11);

~~(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) (11) 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) (12) 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) (13) who does not provide any data or information required by K.S.A. 2014 Supp. 41-311b, and amendments thereto.~~

~~(b)(1) 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) 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 (B) a corporation, if any officer, manager or director thereof, or any natural person owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements; or~~

~~(C) a corporation, if any officer, manager or director thereof, or any natural person owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a natural person owning in the aggregate more than 5% of the common or preferred stock, of a corporation which:~~

~~(i) Has had a license revoked under the provisions of the Kansas liquor control act;~~  
or

~~(ii) has been convicted of a violation of the Kansas liquor control act.~~

~~(2) No retailer's license shall be issued to a person who is not engaged in business as a liquor store, except that a retailer's license may be issued to such person if upon~~

issuance of the license such person engages in business as a liquor store.

(3) No beer retailer's license shall be issued to a person who is not engaged in business as a convenience store or grocery store, except that a beer retailer's license may be issued to such person if upon issuance of the license such person engaged in business as a convenience store or grocery store.

(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. 2014 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10<sup>th</sup>, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor ~~or cereal-malt beverage~~ laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10

years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

Sec. 21. From and after July 1, 2016, K.S.A. 2014 Supp. 41-313 is hereby amended to read as follows: 41-313. (a) No corporation, either organized under the laws of this state, any other state or a foreign country, shall be issued a retailer's, beer retailer's, manufacturer's, distributor's, microbrewery, microdistillery or farm winery license unless the corporation has first ~~procured a certificate of authority from~~ filed a formation document with the secretary of state to do business in this state as provided by law, appointed a citizen of the United States, and resident of Kansas, as its resident 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 of the corporation and full authority, control and responsibility for the conduct of all business and transactions of the corporation within the state relative to alcoholic liquor and the business licensed. ~~The agent must be satisfactory to and approved by the director with respect to the agent's character.~~ The agent shall at all times be maintained by the corporation.

~~In addition, any corporation organized under the laws of any other state or foreign country, as a condition precedent to the issuance to it of any license, shall file with the secretary of state of the state of Kansas, a duly authorized and executed power of attorney, authorizing the secretary of state to accept service of process from the director and the courts of this state and to accept service of any notice or order provided for in this act, and all such acts by the secretary of state shall be fully binding upon the corporation.~~

(b) Every nonresident applicant on applying for a license or permit under this act, and as a condition precedent to obtaining such license or permit, shall file with the secretary of state of this state its written consent, irrevocable, that any action or garnishment proceeding may be commenced against such applicant in the proper court of any county in this state in which the cause of action shall arise or in which the plaintiff may reside by the service of process on the resident agent specified in subsection (a), and stipulating and agreeing that such service shall be taken and held in all courts to be as valid and binding as if due service had been made upon the applicant. The written consent shall state that the courts of this state have jurisdiction over the person of such applicant and are the proper and convenient forum for such action and shall waive the right to request a change of jurisdiction or venue to a court outside this state and that all actions arising under this act and commenced by the applicant shall be brought in this state's courts as the proper and convenient forum. Such consent shall be executed by the applicant and if a corporation, by the president and secretary of the corporate applicant, and shall be accompanied by a duly certified copy of the order or resolution of the board of directors, trustees or managers authorizing the president and

secretary to execute the same.

Sec. 22. From and after July 1, 2016, K.S.A. 2014 Supp. 41-317 is hereby amended to read as follows: 41-317. (a) Applications for all licenses under this act shall be completed and submitted to the director in a manner prescribed by the director. Each applicant shall submit an application fee of \$50 for each initial application and \$10 for each renewal application to defray the cost of processing the application.

(b) Each applicant shall submit to the division of alcoholic beverage control the full amount of the application fee and:

(1) The full amount of the license fee required to be paid for the kind of license specified in the application; or

(2) one-half of the full amount of the license fee required to be paid for the kind of license specified in the application.

(c) If the applicant elects to pay only one-half of the license fee pursuant to subsection (b)(2), the remaining one-half of the license fee plus 10% of such remaining balance shall be due and payable one year from the date of issuance of the license. Notwithstanding any other provision of law, failure to pay the full amount due under this paragraph on the date it is due shall result in the automatic cancellation of such license for the remainder of the license term. The director may, at the director's sole discretion and after examination of the circumstances, extend the date payment is due pursuant to this paragraph for not more than 30 days beyond the date such payment is originally due.

(d) Any license fee paid by an applicant shall be returned to the applicant if the application is denied.

(e) Payment of all fees required to be paid pursuant to this section may be made by personal, certified or cashier's check, United States post office money order, debit or credit card or cash, or by electronic payment authorized by the applicant in a manner prescribed by the director.

(f) All fees received by the director pursuant to this section shall be remitted by the director 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.

(g) Every applicant for a manufacturer's, distributor's, nonbeverage user's, microbrewery, microdistillery, farm winery, retailer's or special order shipping license shall file with the application a joint and several bond on a form prescribed by the director and executed by good and sufficient corporate sureties licensed to do business within the state of Kansas to the director, in the following amounts:

(1) For a manufacturer, \$25,000;

(2) for a spirits distributor, \$15,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor's license, whichever amount is greater;

(3) for a beer or wine distributor, \$5,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor's license, whichever amount is greater;

(4) for a retailer or beer retailer, \$2,000;

(5) for nonbeverage users, \$200 for class 1, \$500 for class 2, \$1,000 for class 3,

\$5,000 for class 4 and \$10,000 for class 5;

(6) for a microbrewery, microdistillery or a farm winery, \$2,000; and

(7) for a winery holding a special order shipping license, \$750, unless the winery has already complied with subsection (g)(6).

If a distributor holds or applies for more than one distributor's license, only one bond for all such licenses shall be required, which bond shall be in an amount equal to the highest applicable bond.

(h) All bonds required by this section shall be conditioned on the licensee's compliance with the provisions of this act and payment of all taxes, fees, fines and forfeitures which may be assessed against the licensee.

Sec. 23. From and after July 1, 2016, K.S.A. 2014 Supp. 41-713 is hereby amended to read as follows: 41-713. (a) It shall be unlawful for a ~~retailer of alcoholic liquor~~ retailer's licensee:

(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 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. 2014 Supp. 41-308d, and amendments thereto.

(c) It shall be unlawful for a beer retailer's licensee:

(1) To permit any person to mix drinks in or on the licensed premises;

(2) to authorize or allow any person under the age of 18 to sell at retail beer at the point of sale; or

(3) to authorize or employ any person who has been adjudged guilty of a felony to sell at retail any beer at the point of sale.

Sec. 24. From and after July 1, 2016, K.S.A. 2014 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) "~~beer~~"; (3) "director"; ~~(3)~~ (4) "original package"; ~~(4)~~ (5) "person"; ~~(5)~~ (6) "sale"; and ~~(6)~~ (7) "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)~~ (d) "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)~~ (e) "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)~~ (f) "Club" means a class A or class B club.

~~(h)~~ (g) "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)~~ (h) "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)~~ (i) "Food service establishment" has the meaning provided by K.S.A. 36-501, and amendments thereto.

~~(k)~~ (j) "Hotel" has the meaning provided by K.S.A. 36-501, and amendments thereto.

~~(l)~~ (k) "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)~~ (l) "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)~~ (m) "Minor" means a person under 21 years of age.

~~(o)~~ (n) "Morals charge" means a charge involving 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)~~ (o) "Municipal corporation" means the governing body of any county or city.

~~(q)~~ (p) "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)~~ (q) "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)~~ (r) "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.

~~(s)~~ (s) "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.

~~(t)~~ (t) "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.

~~(u)~~ (u) "Secretary" means the secretary of revenue.

~~(v)~~ (v) "Tavern" means premises which may be open to the general public, where only beer by the individual drink is sold.

(w) "Temporary permit" means a temporary permit issued pursuant to K.S.A. 41-2645, and amendments thereto.

Sec. 25. From and after July 1, 2016, K.S.A. 2014 Supp. 41-2608 is hereby amended to read as follows: 41-2608. (a) Any public venue, tavern, club or drinking establishment license issued pursuant to this act shall be for one particular premises which shall be stated in the application and in the license. Not more than one premises licensed under the club and drinking establishment act shall exist at a single legal address.

(b) No license shall be issued for a public venue, tavern, club or drinking establishment unless the city, township or county zoning code allows a public venue, tavern, club or drinking establishment at that location.

Sec. 26. From and after July 1, 2016, K.S.A. 2014 Supp. 41-2612 is hereby amended to read as follows: 41-2612. Every holder of a license for a tavern, club or drinking establishment shall cause such license to be framed and hung in plain view in a conspicuous place on the licensed premises. In the case of a railway car, the license shall be posted at its main office which shall be stated in the application.

Sec. 27. From and after July 1, 2016, K.S.A. 2014 Supp. 41-2613 is hereby amended to read as follows: 41-2613. The right of immediate entry to and inspection of any premises licensed as a public venue, tavern, club or drinking establishment or any premises where alcoholic liquor is sold by a holder of a temporary permit, or any premises subject to the control of any licensee or temporary permit holder, by any duly authorized officer or agent of the director, or by any law enforcement officer, shall be a condition on which every license or temporary permit is issued, and the application for, and acceptance of, any license or temporary permit shall conclusively be deemed to be the consent of the applicant and licensee or permit holder to such immediate entry and inspection. Such right of immediate entry and inspection shall be at any time when the premises are occupied and is not limited to hours when the tavern, club or drinking establishment is open for business. Such consent shall not be revocable during the term

of the license or temporary permit. Refusal of such entry shall be grounds for revocation of the license or temporary permit.

Sec. 28. From and after July 1, 2016, K.S.A. 2014 Supp. 41-2614 is hereby amended to read as follows: 41-2614. (a) Except as provided by subsection (c), no public venue, tavern, club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 9:00 a.m. on any day.

(b) No caterer shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.

(c) A hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment/caterer may allow at any time the serving, mixing and consumption of alcoholic liquor ~~and cereal-malt beverage~~ from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.

Sec. 29. From and after July 1, 2016, K.S.A. 41-2620 is hereby amended to read as follows: 41-2620. (a) No person shall maintain or operate any tavern, club or drinking establishment in this state without having in such person's possession for the location of the establishment a valid unexpired and unrevoked license issued by the director for such tavern, club or drinking establishment.

(b) No person shall act as a caterer in this state without having in such person's possession a valid unexpired and unrevoked caterer's license issued by the director.

(c) No person or organization shall sponsor, conduct or hold an event in this state which requires a temporary permit unless such person or organization has in such person's or organization's possession a temporary permit issued by the director for such event and such event is conducted in accordance with the terms of such permit.

Sec. 30. From and after July 1, 2016, K.S.A. 2014 Supp. 41-2622 is hereby amended to read as follows: 41-2622. (a) At the time application is made to the director for a license pursuant to the club and drinking establishment act, the applicant shall pay the following license fee in the manner provided by K.S.A. 41-2606, and amendments thereto:

(1) For a class A club which is a bona fide nonprofit fraternal or war veterans' club, as defined by rules and regulations of the secretary, \$500;

(2) for a class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has not more than 500 members, \$1,000;

(3) for a class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has more than 500 members, \$2,000;

(4) for a class B club, \$2,000;

(5) for a caterer, \$1,000;

(6) for a drinking establishment, \$2,000;

(7) for a hotel of which the entire premises are licensed as a drinking establishment, \$6,000;

(8) for a drinking establishment/caterer, \$3,000;

(9) for a drinking establishment/caterer, if the drinking establishment is a hotel of which the entire premises are licensed as a drinking establishment, \$7,000;

(10) for a public venue with a maximum capacity of not more than 10,000 persons, \$5,000;

(11) for a public venue with a maximum capacity of not more than 25,000 persons, \$7,500; ~~and~~

(12) for a public venue with a maximum capacity exceeding 25,000 persons, \$10,000; ~~and~~

(13) for a tavern, \$500.

(b) In addition to the fee provided by subsection (a), any city where the licensed premises of a tavern, club or drinking establishment are located or, if such licensed premises are not located in a city, the board of county commissioners of the county where the licensed premises are located may levy and collect a biennial occupation or license tax from the licensee in an amount equal to not less than \$200 nor more than \$500.

(c) In addition to the fee provided by subsection (a), any city where the licensed premises of a public venue is located or, if such licensed premises is not located in a city, the board of county commissioners of the county where the licensed premises is located may levy and collect a biennial occupation or license tax from the licensee in an amount not more than \$1,000.

(d) No occupational or excise tax or license fee other than that authorized by subsection (b) or (c) shall be levied by any city or county against or collected from a licensed public venue, tavern, club or drinking establishment.

(e) The director shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Of each such deposit, 50% shall be credited to the state general fund, and the remaining 50% shall be credited to the other state fees fund of the Kansas department for aging and disability services. In addition to other purposes for which expenditures may be made from the other state fees fund of the Kansas department for aging and disability services, expenditures may be made by the secretary for aging and disability services for the purpose of implementing the powers and duties of the secretary under the provisions of K.S.A. 65-4006 and 65-4007, and amendments thereto.

Sec. 31. From and after July 1, 2016, K.S.A. 2014 Supp. 41-2623 is hereby amended to read as follows: 41-2623. (a) No license shall be issued under the provisions of this act to:

(1) Any person described in ~~subsection (a)(1), (2), (4), (5), (6), (7), (8), (9), (12) or (13)~~ of K.S.A. 41-311 (a)(1), (2), (4), (5), (6), (7), (8), (9), (11) or (12), and amendments thereto, except that the provisions of subsection (a)(7) of such section shall not apply to nor prohibit the issuance of a license for a class A club to an officer of a post home of a congressionally chartered service or fraternal organization, or a benevolent association or society thereof.

(2) A person who has had the person's license revoked for cause under the provisions of this act.

(3) A person who has not been a resident of this state for a period of at least one year immediately preceding the date of application.

(4) A person who has a beneficial interest in the manufacture, preparation or wholesaling or the retail sale of alcoholic liquors or a beneficial interest in any other club, drinking establishment or caterer licensed hereunder, except that:

(A) A license for premises located in a hotel may be granted to a person who has a

beneficial interest in one or more other clubs or drinking establishments licensed hereunder if such other clubs or establishments are located in hotels.

(B) A license for a tavern club or drinking establishment which is a restaurant may be issued to a person who has a beneficial interest in other taverns clubs or drinking establishments which are restaurants.

(C) A caterer's license may be issued to a person who has a beneficial interest in a club or drinking establishment and a license for a club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.

(D) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the liquor control act if such distributor or retailer sells no alcoholic liquor to such club.

(E) Any person who has a beneficial interest in a microbrewery, microdistillery or farm winery licensed pursuant to the Kansas liquor control act may be issued any or all of the following: (1) Class B club license; (2) drinking establishment license; (3) tavern license; and ~~(3)~~ (4) caterer's license.

(5) A copartnership, unless all of the copartners are qualified to obtain a license.

(6) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements.

(7) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation which:

(A) Has had a license revoked under the provisions of the club and drinking establishment act; or

(B) has been convicted of a violation of the club and drinking establishment act ~~or the cereal-malt beverage laws of this state.~~

(8) A corporation organized under the laws of any state other than this state.

(9) 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) of~~ K.S.A. 41-311(a)(6), and amendments thereto, shall not apply in determining whether a beneficiary would be eligible for a license.

(b) No club or drinking establishment license shall be issued under the provisions of the club and drinking establishment act to:

(1) A person who does not own the premises for which a license is sought, or does not, at the time the application is submitted, have a written lease thereon, except that an applicant seeking a license for a premises which is owned by a city or county, or is a stadium, arena, convention center, theater, museum, amphitheater or other similar premises may submit an executed agreement to provide alcoholic beverage services at the premises listed in the application in lieu of a lease.

(2) A person who is not a resident of the county in which the premises sought to be licensed are located.

Sec. 32. From and after July 1, 2016, K.S.A. 41-2625 is hereby amended to read as follows: 41-2625. (a) No corporation shall be issued a license as a tavern club, drinking establishment or caterer unless such corporation first appoints a citizen of the United States, and resident of Kansas, as its agent and files with the director a duly

authenticated copy of a duly executed power of attorney authorizing such agent to: (1) Accept service of process from the director and the courts of this state; and (2) exercise full authority of such corporation and full authority, control and responsibility for the conduct of all business and transactions of the corporation within the state relative to the business licensed. Such agent must have the qualifications of a licensee except for the qualification of residence. Such agent shall at all times be maintained by such corporation.

(b) No corporation shall be issued a license as a tavern club, drinking establishment or caterer unless such corporation first files with the director a copy of its articles of incorporation and its bylaws.

(c) No partnership shall be issued a license as a tavern club, drinking establishment or caterer unless such partnership first files with the director a copy of the partnership agreement.

Sec. 33. From and after July 1, 2016, K.S.A. 2014 Supp. 41-2640 is hereby amended to read as follows: 41-2640. (a) No tavern 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;
- (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) A tavern may:

- (1) Offer free food or entertainment at any time;
- (2) sell, offer to sell and serve individual drinks at different prices throughout any day;
- (3) sell or serve beer in a pitcher capable of containing not more than 64 fluid ounces; or
- (4) offer samples of beer free of charge as authorized by this act.

~~(e)~~ (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)~~ (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.

Sec. 34. From and after July 1, 2016, K.S.A. 2014 Supp. 79-4108 is hereby amended to read as follows: 79-4108. All revenue collected or received by the director of taxation from taxes imposed by K.S.A. 79-4101 to 79-4105, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Except as otherwise provided in section 10, and amendments thereto, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. The state treasurer shall transfer any moneys remaining in the county and city alcoholic liquor control enforcement fund on the effective date of this act to the state general

fund.";

Also on page 13, following line 37, by inserting:

"Sec. 36. From and after July 1, 2016, K.S.A. 41-103, 41-711, 41-2620, 41-2625, 41-2705, 41-2709, 41-2711, 41-2712, 41-2725, 41-2726 and 41-2727 and K.S.A. 2014 Supp. 41-102, 41-301, 41-303, 41-304, 41-308, 41-310, 41-311, 41-313, 41-317, 41-713, 41-2601, 41-2608, 41-2612, 41-2613, 41-2614, 41-2622, 41-2623, 41-2640, 41-2701, 41-2702, 41-2703, 41-2704, 41-2708, 41-2722, 41-2728, 41-2729, 41-2906 and 79-4108 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 4 and 5; in line 6, by striking all before the period and inserting: "K.S.A. 41-2620, 41-2625 and 41-2643 and K.S.A. 2014 Supp. 41-102, 41-301, 41-303, 41-304, 41-308, 41-310, 41-311, 41-313, 41-317, 41-350, 41-351, 41-710, 41-713, 41-719, 41-2601, 41-2608, 41-2612, 41-2613, 41-2614, 41-2622, 41-2623, 41-2640, 41-2645 and 79-4108 and repealing the existing sections; also repealing K.S.A. 41-103, 41-711, 41-2705, 41-2709, 41-2711, 41-2712, 41-2725, 41-2726 and 41-2727 and K.S.A. 2014 Supp. 41-2701, 41-2702, 41-2703, 41-2704, 41-2708, 41-2722, 41-2728, 41-2729 and 41-2906"

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

On roll call, the vote was: Yeas 11; Nays 26; Present and Passing 1; Absent or Not Voting 2.

Yeas: Bruce, Denning, Fitzgerald, LaTurner, Longbine, Lynn, Melcher, Pilcher-Cook, Powell, Wilborn, Wolf.

Nays: Abrams, Arpke, Baumgardner, Bowers, Donovan, Faust-Goudeau, Francisco, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, Love, Masterson, McGinn, Olson, Ostmeyer, Petersen, Pettey, Pyle, Schmidt, Smith, Tyson, Wagle.

Present and Passing: O'Donnell.

Absent or Not Voting: Haley, Hawk.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senate Bruce, an emergency was declared by a 2/3 Constitutional majority, and **SB 48**; **S Sub HB 2074**; **HB 2223**, **HB 2331** and **HB 2352** were advanced to Final Action and roll call.

**SB 48**, AN ACT concerning property taxation; relating to exemptions; qualifying pipeline property; sunset of exemption for future taxpayers and retention of exemptions for existing taxpayers; amending K.S.A. 2014 Supp. 79-227 and repealing the existing section.

On roll call, the vote was: Yeas 23; Nays 14; Present and Passing 1; Absent or Not Voting 2.

Yeas: Abrams, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, McGinn, Melcher, O'Donnell, Pettey, Pilcher-Cook, Schmidt, Wagle, Wolf.

Nays: Arpke, Baumgardner, Knox, Longbine, Love, Masterson, Olson, Ostmeyer, Petersen, Powell, Pyle, Smith, Tyson, Wilborn.

Present and Passing: Lynn.

Absent or Not Voting: Haley, Hawk.

The bill passed.

**S Sub HB 2074**, AN ACT concerning gaming; relating to debt setoff from gaming winnings; amending K.S.A. 74-8836 and K.S.A. 2014 Supp. 74-8744, 74-8746, 74-8747, 74-8751, 74-8814 and 75-6204 and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 12; Present and Passing 2; Absent or Not Voting 2.

Yeas: Abrams, Baumgardner, Bowers, Bruce, Denning, Faust-Goudeau, Fitzgerald, Hensley, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Powell, Wilborn.

Nays: Francisco, Kelly, Masterson, Petersen, Pettey, Pilcher-Cook, Pyle, Schmidt, Smith, Tyson, Wagle, Wolf.

Present and Passing: Arpke, Donovan.

Absent or Not Voting: Haley, Hawk.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Madam President: I change my "Pass" to "Yes" on **S Sub HB 2074** because I hope that one day in this chamber, we will consider the same fairness for the Greyhound Park as we have for other similar parks in our state.—OLETHA FAUST-GOUDEAU

Madam President: This legislation ignores the interest of Wyandotte County and the State of Kansas. This legislation requires no minimum amount of financial investment for the Woodlands to open their doors to gambling nor does it require competitive bidding for the right to place slot machines in this facility. There is no requirement to negotiate with the Unified Government and substantially reduces revenues to the state. Expanding the Lottery Act jeopardizes the state contract with Hollywood Casino and could very likely result in litigation. I vote "No" on **S Sub HB 2074**.—PAT PETTEY

**HB 2223**, AN ACT concerning the dispensing of alcoholic beverages; amending K.S.A. 41-106, 41-321, 41-709, 41-2609 and 41-2633a and K.S.A. 2014 Supp. 41-102, 41-306, 41-306a, 41-307, 41-311, 41-319, 41-320, 41-326, 41-328, 41-719, 41-2611, 41-2623 and 41-2640 and repealing the existing sections; also repealing K.S.A. 41-314.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Tyson.

Absent or Not Voting: Haley, Hawk.

The bill passed, as amended.

**HB 2331**, AN ACT concerning alcoholic beverages; amending K.S.A. 41-2643 and K.S.A. 2014 Supp. {41-104}, 41-350, 41-351, {41-710,} 41-719, 41-2640 {and 41-2645} and repealing the existing sections.

On roll call, the vote was: Yeas 31; Nays 5; Present and Passing 2; Absent or Not Voting 2.

Yeas: Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau,

Fitzgerald, Francisco, Hensley, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Smith, Wagle, Wilborn, Wolf.

Nays: Abrams, Knox, Pyle, Schmidt, Tyson.

Present and Passing: Holland, Love.

Absent or Not Voting: Haley, Hawk.

The bill passed, as amended.

**HB 2352**, AN ACT concerning insurance; relating to coverage for autism spectrum disorder; amending K.S.A. 2014 Supp. 40-2,194 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Haley, Hawk.

The bill passed, as amended.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 91** 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. 91, as follows:

On page 2, in line 26, by striking "to meet the new" and inserting "or committed to be incurred as a result of compliance with the"; in line 28, by striking "as in effect on December 31, 2015" and inserting "prior to its repeal"; in line 31, after the period by inserting "The commission shall allow affected utilities to recover reasonable costs incurred as a result of meeting the voluntary 20% goal in K.S.A. 2014 Supp. 66-1256, and amendments thereto.";

On page 6, by striking all in lines 26 and 27; in line 28, by striking the first "or"; in line 32, after "for" by inserting "such"; in line 33, by striking all before "when";

On page 7, following line 4, by inserting:

"Sec. 5. K.S.A. 2014 Supp. 79-223 is hereby amended to read as follows: 79-223.

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

(b) The following described property, to the extent specified by this section, shall

be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

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

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

(c) Any purchase, lease or transportation of commercial and industrial machinery and equipment consummated for the purpose of avoiding taxation shall subject the property to the penalty provisions of K.S.A. 79-1422 and 79-1427a, and amendments thereto. The county appraiser shall not reclassify any property that is properly classified for property tax purposes within subclass (5) of class 2 of section 1 of article 11 of the constitution of the state of Kansas.

(d) As used in this section:

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

(2) "commercial and industrial machinery and equipment" means property classified for property tax purposes within subclass (5) of class 2 of section 1 of article 11 of the constitution of the state of Kansas, but shall not include any electric generation facility or addition to an electric generation facility that is used predominately to produce and generate electricity utilizing renewable energy resources or technologies as defined in K.S.A. 79-201, and amendments thereto;

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

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

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

On page 8, in line 1, after "electricity" by inserting "at wholesale only, has no retail customers and is"; in line 5, by striking all after "thereto"; in line 6, by striking all before the period; in line 14, after "79-201" by inserting ", 79-223";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, after "79-201" by inserting ", 79-223";

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

DENNIS HEDKE

KEN CORBET

*Conferees on part of House*

ROB OLSON

MIKE PETERSEN

*Conferees on part of Senate*

Senator Olson moved the Senate adopt the Conference Committee Report on **H Sub SB 91**.

On roll call, the vote was: Yeas 35; Nays 3; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Francisco, Hensley, Holland.

Absent or Not Voting: Haley, Hawk.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2095** submits the following report:

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

On page 4, in line 15, after the comma by inserting "or \$25,000 or more in any one calendar year between July 1, 2016, and July 1, 2021,";

On page 6, in line 18, after the period by inserting "The provisions of this subsection shall apply to members of the legislature.";

On page 8, in line 33, by striking "the effective date of this act" and inserting "May 28, 2009";

On page 9, in line 41, by striking "(5)" and inserting "(7)"; in line 42, after "thereto" by inserting ", which relate to a compensation limitation which when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in a position as described herein";

On page 11, in line 11, after the period by inserting "Such retirant may be employed by such employer for some or all of a school year, and in subsequent school years if the employer is unable to permanently fill the position with active members, so long as the retirant's total term of employment with all employers under this subsection does not exceed 36 months or three school years, whichever is less."; in line 12, by striking "(5)" and inserting "(7)"; also in line 12, after "thereto" by inserting ", which relate to a compensation limitation which when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in a position as described herein"; following line 43, by inserting:

"New Sec. 4. (a) The provisions of sections 4 through 11, and amendments thereto, shall be known and may be cited as the Kansas deferred retirement option program act, and shall be effective on and after January 1, 2016.

(b) The provisions of this act shall be part of and supplemental to the provisions of K.S.A. 74-4901 et seq., and amendments thereto, subject to the limitations contained in this act.

New Sec. 5. (a) As used in this act, unless otherwise provided or the context otherwise requires:

(1) "Act" means the Kansas deferred retirement option program act;

(2) "board" means the board of trustees of the Kansas public employees retirement

system;

(3) "DROP" means the deferred retirement option program established by section 6, and amendments thereto;

(4) "DROP account" means the notional account to which is credited the monthly DROP accrual;

(5) "DROP period" means the period of time that a member irrevocably elects to participate in the DROP pursuant to section 7, and amendments thereto;

(6) "member" means a trooper, examiner or officer of the Kansas highway patrol who is eligible to participate in the DROP and who elects to participate in the DROP as provided in this act;

(7) "monthly DROP accrual" means the amount equal to the monthly retirement benefit that would have been payable to the member had the member terminated service and retired on the day the member elected; and

(8) "system" means the Kansas police and firemen's retirement system.

(b) Unless specifically provided in this section or in this act, words and phrases used in this act shall have the meanings ascribed to them as provided under the provisions of K.S.A. 74-4901 et seq. and K.S.A. 74-4951 et seq., and amendments thereto.

New Sec. 6. (a) The board shall establish within the Kansas police and firemen's retirement system a deferred retirement option program for members. The board shall administer the DROP in compliance with the federal internal revenue code and applicable treasury regulations, including, but not limited to, the incidental benefit and required minimum distribution requirements of section 401(a)(9) of the federal internal revenue code.

(b) The board shall establish a DROP account for each member. Each DROP account shall be credited annually with interest as provided in this subsection. Interest may only be credited in a year in which the actual rate of return on the market value on the investments of the DROP reach the system's assumed investment rate of return. Such interest credit may not exceed 50% of the actual rate of return, and such interest credit shall not exceed 3%.

New Sec. 7. (a) (1) A member who is 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, may elect to participate in the DROP by making application in such form prescribed by the system at the attainment of age 55 and the completion of 20 years of credited service or at the completion of 32 years of credited service regardless of the age of such member.

(2) A member who is appointed or employed on or after July 1, 1989, or who made an election pursuant to K.S.A. 74-4955a, and amendments thereto, may elect to participate in the DROP by making application in such form prescribed by the system at the attainment of age 55 and the completion of 20 years of credited service, age 50 and the completion of 25 years of credited service or age 60 with the completion of 15 years of credited service.

(b) A member shall indicate on the application the DROP period such member wishes to participate in the DROP. A member may elect to participate in the DROP for a minimum of three years and may not participate for more than five years from the effective date of the election to participate in the DROP. A member may participate in the DROP only once. An election under this section is a one-time irrevocable election.

Once the application is accepted by the system, such member becomes a DROP participant. If a member fails to participate in the DROP for a minimum of three years, all of the member's interest credits shall be forfeited, unless such member retires due to disability as defined in K.S.A. 74-4952, and amendments thereto. A member who remains in active service at the expiration of the member's elected DROP period shall not be eligible for any additional interest credits.

(c) A member who makes an election under this section shall continue in the active service under the Kansas police and firemen's retirement system but shall not earn service credit under K.S.A. 74-4951 et seq., and amendments thereto, after the election's effective date. On and after the effective date of the member's election to participate, such member is ineligible to purchase service credit under K.S.A. 74-4901 et seq., and amendments thereto.

(d) Participation in the DROP by a member does not guarantee continued employment. During a member's participation in the DROP, employer contributions under K.S.A. 74-4967, and amendments thereto, and member contributions under K.S.A. 74-4965, and amendments thereto, shall be made to the retirement system. No member or employer contributions shall be applied to a member's DROP account.

New Sec. 8. (a) For each DROP member, the board shall calculate a monthly DROP accrual. The system shall determine the DROP member's retirement benefit under K.S.A. 74-4958 or 74-4958a, and amendments thereto. In determining the retirement benefit, the system shall use the member's total service credit and final average salary as of the last day of the employer's payroll period immediately prior to the effective date of the member's election to participate in the DROP. Before entering the DROP, a member may elect to have such member's retirement benefit determined under one of the options provided in K.S.A. 74-4964 or 74-4964a, and amendments thereto, in lieu of having it determined in the form stated in K.S.A. 74-4958 or 74-4958a, and amendments thereto, except such member may not elect the lump sum payment option. During the DROP period, an amount equal to the monthly DROP accrual shall be credited to the member's DROP account. The calculation of the monthly DROP accrual will be calculated using the member's age and, if the member elected a joint and survivor option, the age of the beneficiary as of the calendar year which contains the beginning of the DROP period. The monthly DROP accrual shall comply with the requirements of section 401(a)(9) of the federal internal revenue code and treasury regulation § 1.401(a)9-6, Q&A-2(c).

(b) A member shall not receive a monthly retirement benefit, as calculated pursuant to K.S.A. 74-4958 or 74-4958a, and amendments thereto, until termination of such member's DROP participation and commencement of retirement. A DROP member shall not have any claim to any funds in such member's DROP account until such member retires at the termination of such member's DROP participation. Upon terminating DROP participation, a member is entitled to such member's retirement benefit, including any postretirement benefit adjustment for which the member is eligible.

New Sec. 9. (a) A member's participation in the DROP ceases on the occurrence of the earliest of the following:

- (1) Termination of the member's active service with the Kansas highway patrol;
- (2) the last day of the member's elected DROP period that begins on the effective date of the member's election to participate in the DROP;

(3) retirement due to disability as defined in K.S.A. 74-4952, and amendments thereto; or

(4) the member's death.

(b) If a member dies before taking a distribution from such member's DROP account, the member's designated beneficiary shall receive a lump-sum payment equal to the member's DROP account balance. If the DROP member has not named a beneficiary for such member's DROP account, the amount in the DROP account shall be paid to the beneficiary of the member's retirement benefit.

New Sec. 10. (a) A member, who satisfies the requirements of this act, shall be entitled to a distribution of such member's DROP account. Such distribution may be through any combination of the following payout options, each of which is subject to the applicable provisions of the federal internal revenue code and the applicable regulations of the internal revenue service:

(1) A direct rollover to an eligible retirement plan; or

(2) a lump-sum distribution.

(b) The board may specify minimum account balances for purposes of allowing benefit payment options and rollovers in accordance with federal law.

New Sec. 11. The provisions of sections 4 through 11, and amendments thereto, shall expire on January 1, 2020.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "system" by inserting "and systems thereunder"; in line 4, after the semicolon by inserting "enacting the Kansas deferred retirement option program act; providing terms, conditions, requirements, benefits and contributions related thereto; relating to member election; Kansas highway patrol affiliation; interest credits; account distribution;";

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

JEFF KING

JEFF LONGBINE

LAURA KELLY

*Conferees on part of Senate*

STEVEN JOHNSON

KENT THOMPSON

ED TRIMMER

*Conferees on part of House*

Senator King moved the Senate adopt the Conference Committee Report on **S Sub HB 2095**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Haley, Hawk.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2170** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for Substitute for House Bill No. 2170, as follows:

On page 2, in line 6, after the period by inserting "Violent"; in line 11, by striking all after "(b)"; by striking all in lines 12 through 17; in line 18, by striking all before the period and inserting "A student shall not be subjected to seclusion if the student is known to have a medical condition that could put the student in mental or physical danger as a result of seclusion. The existence of such medical condition must be indicated in a written statement from the student's licensed health care provider, a copy of which shall be provided to the school and placed in the student's file";

On page 3, in line 2, after the period by inserting "Upon the first occurrence of an incident involving the use of emergency safety interventions,"; in line 3, by striking the first "may" and inserting "shall"; also in line 3, by striking "or may" and inserting ", and upon the occurrence of a second or subsequent incident shall"; in line 4, after "a" by inserting "full"; in line 6, after the comma by inserting "rules and regulations adopted pursuant thereto or policies of the school district,"; in line 20, after "(2)" by inserting "the number of incidents in which emergency safety interventions were used on students who have a section 504 plan;

(3)";

Also on page 3, in line 22, after "program" by inserting "or a section 504 plan"; following line 24, by inserting:

"(5) the total number of students with behavior intervention plans subjected to an emergency safety intervention;

(6) the number of students physically restrained;

(7) the number of students placed in seclusion;"

Also on page 3, in line 28, by striking "and"; following line 28, by inserting:

"(10) the information reported under subsection (c)(1) through (c)(3) reported by school to the extent possible;

(11) the information reported under subsections (c)(1) through (c)(9) aggregated by age and ethnicity of the students on a statewide basis; and";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 4, in line 21, by striking "January" and inserting "March"; in line 22, after the period by inserting "Such rules and regulations shall include, but not be limited to, the standards for the use and reporting of emergency safety interventions as provided in sections 2 through 5, and amendments thereto."; in line 24, by striking "15" and inserting "17"; following line 38, by inserting:

"(7) two members shall be appointed by the executive director of the Kansas council on developmental disabilities, one of which shall be a parent of a child with a disability;"

Also on page 4, in line 41, by striking "Kansas medical society" and inserting "center for child health and development of the university of Kansas medical center"; in line 42, after "Kansas" by inserting "who is a practicing physician with experience treating and

diagnosing individuals with disabilities, but who is not a staff member of the center for child health and development of the university of Kansas medical center";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 5, in line 21, by striking "2017" and inserting "2018"; in line 23, by striking "statute book" and inserting "Kansas register";

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

STEVE ABRAMS

TOM ARPKE

ANTHONY HENSLEY

*Conferees on part of Senate*

CONNIE O'BRIEN

JOHN RUBIN

PONKA WE-VICTORS

*Conferees on part of House*

Senator Abrams moved the Senate adopt the Conference Committee Report on **S Sub HB 2170**.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Tyson, Wagle.

Absent or Not Voting: Haley, Hawk.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2395** submits the following report:

The Senate recedes from all of its amendments to the bill.

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

TY MASTERSON

JIM DENNING

LAURA KELLY

*Conferees on part of Senate*

MARK HUTTON

LES MASON

STAN FROWNFEELER

*Conferees on part of House*

Senator Masterson moved the Senate adopt the Conference Committee Report on **HB 2395**.

On roll call, the vote was: Yeas 35; Nays 1; Present and Passing 2; Absent or Not Voting 2.

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

Nays: Pyle.

Present and Passing: Francisco, Holland.

Absent or Not Voting: Haley, Hawk.

The Conference Committee Report was adopted.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Federal and State Affairs** recommends **Sub HB 2224** be passed.

#### **CHANGE OF REFERENCE**

The President withdrew **S Sub Sub HB 2228** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Federal and State Affairs**.

#### **REPORT ON ENROLLED BILLS**

**SR 1744, SR 1745, SR 1746, SR 1747, SR 1748** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 14, 2015.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, May 15, 2015.

# Journal of the Senate

SIXTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, May 15, 2015, 8:00 a.m.

The Senate was called to order by Senator Ty Masterson.

The roll was called with 23 senators present.

Senators Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, King, LaTurner, Longbine, Love, Lynn, McGinn, Melcher, O'Donnell, Olson, Wagle and Wolf were excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, We're in a spot here; where certain decisions have to be made. In the 1800s one Ambrose Bierce, gave his tongue in cheek definition of what it means to "decide." It's "to succumb to the preponderance of one set of influences over another set." He then gave this example of a leaf. "A leaf was driven from a tree, 'I mean to fall to earth,' said he. The west wind, rising, made him veer. 'Eastward,' said he, 'I now shall steer.' The east wind rose with greater force. Said he: 'Twas wise to change my course.'" Lord, help us to increase our connectedness to You that more and more our decisions will be firm and resolute...not wishy washy...not as it's mentioned in Ephesians 4:14... like that immature leaf, tossed and blown about by every wind of new teaching. You said that the principles of Your Word would stand forever. So, Lord help us to avoid duplicity and truly be grounded in the strength of Your Word. And Lord, as we journey to our various destinations for the weekend, place hedges of protection around the vehicles. Take us and bring us safely. Bless our loved ones and bless us with times of rest. Let our testimony of praise be like David's, in Psalm 23, "Surely goodness and mercy shall follow me all the days of my life and I shall dwell in the House of the Lord forever." In the name of Jesus the Christ. Amen

The Pledge of Allegiance was led by Senator Ty Masterson.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 306, SB 307.**

**COMMUNICATIONS FROM STATE OFFICERS**

**KANSAS HIGHWAY PATROL**

May 11, 2015

Public and Government Affairs Recruiting submitted the Kansas Highway Patrol's 2014 Annual Report.

**KANSAS HUMAN RIGHTS COMMISSION**

May 14, 2015

Executive Director Ruth Glover submitted the Kansas Human Rights Commission Annual Report for Fiscal Year 2014.

Senator Masterson announced that these reports are on file in the office of the Secretary of the Senate and are available for review at any time.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1749—

A RESOLUTION congratulating and commending Hays High School for winning the 4A state championship at the Kansas Scholastic Press Association state journalism contest.

WHEREAS, Hays High School was named the class 4A state champion at the Kansas Scholastic Press Association state journalism contest on May 2, 2015; and

WHEREAS, Hays High School had 21 students competing in the state journalism contest with 40 qualifying entries; and

WHEREAS, The competitors consisted of: Jasmine Lawson, who took first in infographics and second in yearbook layout; Sylina Zhang, who took first in editorial writing and third in multimedia storytelling; Morgan Klaus, who took first in yearbook sports writing and received an honorable mention in student-life photography; Kirsten Prindle, who took first in outline writing and received an honorable mention in yearbook copy writing; Cheyenne Schwab, who took second in academic photo; Sierra Eichman, who took second in online photo gallery; Kara Brooks, who took third in multimedia storytelling; Chelsey Augustine, who took third in outline writing; Kylie Brown, who took third in yearbook sports writing; Tiana Lawson, who received an honorable mention in academic photo; Amanda Dinkel, who received an honorable mention in online photo gallery; Brianna Mathias, who received an honorable mention in feature writing; Sarah Rooney, Nikki Vuong, Rachael Arthur, Raina Basso, Hannah Baxter, Thea Ferland, Brenden Koenigsman, Gage Phillips and Taylor Deboer; and

WHEREAS, In addition to the state championship, Hays High School was awarded All-Kansas, the Kansas Scholastic Press Association's top award, for last year's yearbook and this year's newspaper; and

WHEREAS, The teacher and adviser of the journalism program at Hays High School is Bill Gasper, whose dedication and passion for teaching is vital to the numerous accomplishments of the Hays High School journalism program: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Hays High School for winning the class 4A state championship at the Kansas Scholastic Press Association state journalism contest. This is a great accomplishment for Hays High School and the journalism team; and

*Be it further resolved:* That the Secretary of the Senate shall send two enrolled copies of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1749** was adopted by voice vote.

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

SENATE RESOLUTION No. 1750—

A RESOLUTION congratulating and commending St. Francis Community High School for winning the 1A state championship at the Kansas Scholastic Press Association state journalism contest.

WHEREAS, St. Francis Community High School was named the class 1A state champion at the Kansas Scholastic Press Association state journalism contest on May 2, 2015; and

WHEREAS, St. Francis Community High School had 24 students competing in the state journalism contest; and

WHEREAS, The competitors consisted of: Mariah Beikman, who took first place in yearbook copy writing; Reagan Beims, who took first place in headline writing and design; McKenzie Taylor, who took second place in advertising; Journey Lee, who took third place in yearbook theme and graphics; Kayla Reed, who took third place in yearbook theme and graphics; Jylian Laten, who took third place in newspaper page design; Erik Nelson, who received an honorable mention in yearbook theme and graphics; Jude Faulkender, who received an honorable mention in academics photography; Michaela Ford, who received an honorable mention in online photo gallery; Wade Jones, who received an honorable mention in sports photography; Clay De Waal, Emily Elfers, Lane Hobrock, Kylie Sherlock, Sydney Sundstrom, Hannah Wolf, Jenna Confer, Hanna Bracelin, Coy De Waal, Jake Faulkender, Jessica Pacheco, Janeth Perez-Medina, Madison Tice and Matthisen Witzel; and

WHEREAS, The teacher and adviser of the journalism program is Brenda Day, whose dedication and passion for teaching is vital to the accomplishments of the St. Francis Community High School journalism program: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend St. Francis Community High School for winning the class 1A state championship at the Kansas Scholastic Press Association state journalism contest. This is a great accomplishment for St. Francis Community High School and the journalism team; and

*Be it further resolved:* That the Secretary of the Senate shall send two enrolled copies of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1750** was adopted by voice vote.

#### **REPORT ON ENROLLED BILLS**

**SB 14, SB 52, SB 105, SB 189, SB 276, SB 290** reported correctly enrolled, properly signed and presented to the Governor on May 15, 2015.

**TRIBUTES**

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of May 11 through May 15, 2015:

Senator Bowers: congratulating Marc Nicols on receiving the Hemphill Award;

Senator Faust-Goudeau: honoring Bishop Joseph Cisro Gilkey, Sr. for his service to the Wichita Community;

Senator Francisco: commending KanREN for its leadership on education and economic development issues;

Senator McGinn: thanking Rita Hamman on her outstanding service to the Kansas Senate;

Senator O'Donnell: congratulating William J. "Bill" Warren on his 45th Anniversary of Movie Theatre Excellence;

Senator Ostmeyer: congratulating Sharon Springs-Wallace County on the 2015 Class 1A Division II Boys Basketball State Championship; congratulating St. Francis Community High School on winning the 1A State Championship at the state journalism contest;

Senator Petersen: congratulating James Starr on receiving the Driver of the Year Award; and

Senator Schmidt: congratulating Sharon Miller on her retirement; congratulating Phil Hamilton on his retirement; and congratulating Dan Brooks on his retirement.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Monday, May 18, 2015.

# Journal of the Senate

SIXTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, May 18, 2015, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 32 senators present.  
Senators Arpke, Faust-Goudeau, Haley, Hawk, Hensley, Love, Ostmeyer and Pettey were excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, In the poetry of Proverbs 8, You personified “Wisdom” and presented her as a lady wanting to guide us...to help us navigate the turbulent storms of life. Lord, You coupled her with a twin sister called “Understanding” and Lord, we need them both; to know what to do and how to do it. In Proverbs 1:7, You said the beginning of “Wisdom” is to have a reverential fear...a humble respect for You, as our Lord. Please help each of us to lay that beginning foundation and then to build upon it. Help us with the application. Once we know what to do, help us do what we know. Help us use wisdom and understanding, first to see and then to respond to life’s challenges, from Your perspective. In the days that lie ahead, give us the enabling power to personify the wisdom and understanding that really originates with You. And Lord, since wisdom is really a description of YOU...since You ARE wisdom...what we’re indeed asking, is for You to use us as Your conduits. Let our attitudes and actions be continuous reflections of Your inner presence. As we grow in wisdom and understanding, let our love for one another...our love for You and Your truths, noticeably exemplify that You are in us. Help us, through personal relationships with You, to avoid shortsighted decisions and to make choices that will truly bless You and the people we serve. Thank You for hearing and for answering. In Jesus Name. Amen

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

## MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **SB 113**, and has appointed Representatives Barker, Macheers and Carmichael as second conferees on the part of the House.

The House adopts the Conference Committee report on **S Sub HB 2095**.

## 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: **SB 113**.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 113** 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.

JOHN BARKER

CHARLES MACHEERS

*Conferees on part of House*

JEFF KING

GREG SMITH

*Conferees on part of Senate*

On motion of Senator Smith the Senate adopted the conference committee report on **SB 113**, and requested a new conference be appointed.

The Vice President appointed Senators King, Smith and Pettey as a second Conference Committee on the part of the Senate on **SB 113**.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Tuesday, May 19, 2015.

# Journal of the Senate

SIXTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, May 19, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 38 senators present.  
Senators Arpke and Haley were excused.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, It was 41 years ago, and it was on this day, May 19th, that one of the most baffling puzzles ever contrived was introduced. Erno Rubik, the one who engineered and developed it said "IF you are curious, you'll find the puzzles around you and IF you are determined, you will solve them." Lord, puzzles and challenges are being engineered and constantly developing around us, even without looking for them. And we've found that determination by itself, just isn't enough. I twisted it and turned it with all the determination I could muster but it didn't help me solve that puzzle. After struggling with it and failing, I discovered there was someone who could show me how to solve it. As we tackle the things that puzzle us...the things that test us...as we look at the problems of life and government, give us the determination that we need, but also give us answers. Many of us have discovered that You have the answers because You're the Divine Engineer and You know exactly what we need to do. You are the Ultimate Resolver of our problems. You allow them and bring good out of them. When the puzzling difficulties of life come upon us, You said in James 1:3-4 that our faith would be tested and our endurance would be given a chance to grow. Help us remember to lean and depend on You for answers. We'll always need Your guidance to resolve the quandaries of our "Rubics Cube" dilemmas. Thanks again Lord, for hearing our plea. In Jesus name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## MESSAGES FROM THE GOVERNOR

May 18, 2015

Senate Bill **154** has been signed into law.

May 19, 2015

Senate Bills **14, 52, 105, 189, 276** and **290** have been signed into law.

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **S Sub Sub HB 2170**.  
The House adopts the Conference Committee report on **HB 2395**.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **SB 101**.

The House nonconcurrs in Senate amendments to **HB 2223**, requests a conference and has appointed Representatives Brunk, Couture-Lovelady and Tietze as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2331**, requests a conference and has appointed Representatives Brunk, Couture-Lovelady and Tietze as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2352**, requests a conference and has appointed Representatives Schwab, Bruchman and Houston as conferees on the part of the House.

The House announced the appointment of Representatives Huebert, Phillips and Alcalá to replace Reps. Schwartz, Boldra and Victors as conferees on **HB 2364**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1751—

A RESOLUTION recognizing Tick-Borne Disease Awareness Month  
and supporting further Lyme disease research.

WHEREAS, The Centers for Disease Control (CDC) states that neurological borreliosis cases are increasing tenfold as the fastest growing vector-borne disease in the nation and is significantly under-reported and misdiagnosed; and

WHEREAS, Lyme disease is the most commonly reported tick-transmitted disease in the United States, yet the CDC acknowledges that the number of cases reported annually represents only about one-tenth of the true number of cases. Approximately 30,000 cases of Lyme disease are reported to the CDC by state health departments each year. However, other studies of the disease suggest that the number of people actually diagnosed with Lyme disease each year is around 300,000, leaving approximately 270,000 cases unreported; and

WHEREAS, Lyme disease is most common among boys aged five to 19, with this age group being affected at three times the average rate of all other age groups. Around 25% of all reported cases of Lyme disease are children; and

WHEREAS, Lyme disease is undiagnosed in many Americans due to the lack of an accurate screening test, no standard presentation, a lack of reliable tick and tick-borne disease studies and many other reasons; and

WHEREAS, New research by the Infectious Disease Society of America states, "Sensitivity of the two-tier testing for early Lyme disease samples ranged from 43% to 48%," meaning the current blood testing used for diagnosis is inadequate for over 52% of those tested; and

WHEREAS, Lyme disease can present in a variety of ways. One common sign of Lyme disease is the presentation of a red bull's-eye rash on the skin near the tick bite mark. However, only approximately 30% of Lyme disease patients present with this symptom. Lyme disease is known as "The New Great Imitator" because it can be misdiagnosed as fibromyalgia, multiple sclerosis, Parkinson's disease, chronic fatigue syndrome, Lou Gehrig's disease, cardiac problems, Alzheimer's disease, attention deficit disorder, vision and hearing problems and other conditions, including psychiatric disorders; and

WHEREAS, Lyme disease can affect almost any part of the body and produces a wide range of symptoms, including skin lesions, meningitis, progressive muscular and joint pain, mood changes and behavioral problems. If left untreated, Lyme disease can become an incurable and lifelong debilitating illness characterized by neurological disorders, emotional and mental disorders, serious pain syndromes in the bone and muscles, fatal heart disease and respiratory failure; and

WHEREAS, In Kansas, we encourage all Kansans to recognize that tick-borne infections are a public health threat. We recognize the importance of early detection, accurate testing and encourage equal access to the International Lyme and Associated Diseases Standard of Care and Physician Training; and

WHEREAS, May is Lyme Disease Awareness Month. The ticks that transmit Lyme disease to humans are most active during May through July: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize Tick-Borne Disease Awareness Month and acknowledge that Lyme disease is significantly underdiagnosed in the United States and support further research of the disease, its symptoms and its treatment; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to each member of the Kansas Congressional Delegation; the Chair and Ranking Member of the United States Senate Committee on Health, Education, Labor and Pensions; the Chair, Vice Chair and Ranking Member of the United States House Energy Subcommittee on Health; the Chair, Vice Chair and Ranking Member of the United States House Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies; and the Chair, Vice Chair and Ranking Member of the United States House Ways and Means Subcommittee on Health.

On emergency motion of Senator McGinn **SR 1751** was adopted by voice vote.

Guests introduced were Peggy Blumhagen, Kathy White and Ila Hutley. Senators honored the guests with a standing ovation.

**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 101; HB 2025, HB 2055; S Sub HB 2124.**

**ORIGINAL MOTION**

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **HB 2223.**

The President appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **HB 2331.**

The President appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Longbine, the Senate acceded to the request of the House for a conference on **HB 2352.**

The President appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2005** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

TY MASTERSOON

JEFF KING

*Conferees on part of Senate*

RON RYCKMAN

JOHN BARKER

*Conferees on part of House*

On motion of Senator King the Senate adopted the conference committee report on **HB 2005**, and requested a new conference be appointed.

The President appointed Senators Masterson, King and Kelly as a second Conference Committee on the part of the Senate on **HB 2005.**

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 101** 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 8;

On page 9, by striking all in lines 1 through 27; following line 27, by inserting:

"New Section 1. (a) Consistent with the limitations of K.S.A. 50-704, and amendments thereto, the TNC shall not permit an individual to act as a driver on its digital network who:

(1) Has been convicted of:

(A) Any person felony as described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto;

(B) any sex offense as described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, prior to its repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2014 Supp. 21-6419 through 21-6422, and amendments thereto;

(C) identity theft, as described in K.S.A. 21-4018, prior to its repeal, or K.S.A. 2014 Supp. 21-6107, and amendments thereto;

(D) any attempt, conspiracy or solicitation of any crime described in this paragraph; or

(E) a crime under the law of another jurisdiction which is substantially the same as the crimes described in this paragraph;

(2) is registered on the national sex offender registry, the Kansas offender registry or any similar registry of any other jurisdiction;

(3) has had a combined total of more than three moving violations in Kansas or any other jurisdiction within the past three years;

(4) has had a traffic violation in Kansas or any other jurisdiction within the past three years of attempting to evade the police, reckless driving or driving on a suspended license;

(5) has been convicted, adjudicated or placed on diversion, within the past seven years, of:

(A) Driving under the influence of drugs or alcohol in Kansas or any other jurisdiction;

(B) any crime involving controlled substances, as described in K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any violation of any provision of the uniform controlled substances act prior to July 1, 2009;

(C) theft, as described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2014 Supp. 21-5801, and amendments thereto;

(D) any crime involving fraud, dishonesty or deceit, as described by the Kansas criminal code;

(E) any attempt, conspiracy or solicitation of any crime described in this

subsection; or

(F) a violation of the law or ordinance of another jurisdiction, including any municipality, which is substantially the same as the crimes described in this subsection;

(6) does not possess a valid driver's license;

(7) does not possess proof of registration for the motor vehicle or motor vehicles used to provide a prearranged ride;

(8) does not possess proof of automobile liability insurance for the personal vehicle or personal vehicles used to provide a prearranged ride; or

(9) is not at least 19 years of age.

(b) The provisions of this section shall be a part of and supplemental to the Kansas transportation network company services act.

Sec. 2. Section 2 of 2015 House Substitute for Senate Bill No. 117 is hereby amended to read as follows: Sec. 2. Except as otherwise provided, as used in the Kansas transportation network company services act:

(a) "Act" means the Kansas transportation network company services act.

(b) "Digital network" means any online-enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

(c) "Personal vehicle" means a vehicle that is used by a transportation network company driver in connection with providing a prearranged ride and is:

(1) Owned, leased or otherwise authorized for use by the transportation network company driver; and

(2) not a taxicab, limousine or for-hire vehicle.

(d) "Prearranged ride" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A "prearranged ride" does not include transportation provided using a taxi, limousine or other for-hire vehicle.

(e) "Transportation network company" or "TNC" means a corporation, partnership, sole proprietorship or other entity ~~that is licensed pursuant to this act~~ and operating in Kansas that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract.

(f) "Transportation network company driver" or "driver" means an individual who:

(1) Receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(2) uses a personal vehicle to provide services for riders matched through a digital network controlled by a transportation network company and receives, in exchange for providing the passenger a ride, compensation that exceeds the individual's cost to provide the ride.

(g) "Transportation network company rider" or "rider" means an individual or persons who use a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's

personal vehicle between points chosen by the rider.

(h) "Vehicle owner" means the owner of a personal vehicle.

Sec. 3. Section 12 of 2015 House Substitute for Senate Bill No. 117 is hereby amended to read as follows: Sec. 12. ~~(a)~~ Prior to permitting an individual to act as a driver on its digital network, the TNC shall:

~~(1)(a)~~ Require the individual to submit an application to the TNC, which includes information regarding the applicant's address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance and other information required by the TNC; and

~~(2)~~ ~~obtain a local and national criminal background check on the individual, conducted by the Kansas bureau of investigation;~~

~~(A)~~ ~~fingerprints submitted pursuant to this section shall be released by the attorney general to the Kansas bureau of investigation for the purpose of conducting criminal history records checks, utilizing the files and records of the Kansas bureau of investigation and the federal bureau of investigation; and~~

~~(B)~~ ~~each individual shall be subject to a state and national criminal history records check which conforms to applicable federal standards for the purpose of verifying the identity of the individual and whether the individual has been convicted of any crime that would disqualify the individual from being a transportation network driver under this act;~~

~~(3)(b)~~ obtain and review a driving history research report for such individual; ~~and~~

~~(4)~~ ~~require the individual, if such individual's personal vehicle is subject to a lien, to provide proof of comprehensive and collision insurance coverage for such personal vehicle that covers the period when the individual is logged on to a TNC's digital network but not engaged in a prearranged ride and when the individual is engaged in a prearranged ride to the lien holder of such personal vehicle and to the TNC.~~

~~(b)~~ The TNC shall not permit an individual to act as a driver on its digital network who:

~~(1)~~ ~~Has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period, including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license;~~

~~(2)~~ ~~has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, or theft, acts of violence, or acts of terror;~~

~~(3)~~ ~~is a match in the national sex offender registry database;~~

~~(4)~~ ~~does not possess a valid driver's license;~~

~~(5)~~ ~~does not possess proof of registration for the motor vehicle or motor vehicles used to provide a prearranged ride;~~

~~(6)~~ ~~does not possess proof of automobile liability insurance for the personal vehicle or personal vehicles used to provide a prearranged ride; or~~

~~(7)~~ ~~is not at least 19 years of age.~~

Sec. 4. Section 19 of 2015 House Substitute for Senate Bill No. 117 is hereby amended to read as follows: Sec. 19. (a) A TNC shall disclose prominently, with a separate acknowledgment of acceptance, to its TNC drivers in the prospective TNC drivers' written terms of service the following before the drivers are allowed to accept a request for TNC services on the TNC's digital network or software application:

"If the vehicle that you plan to use to provide transportation network company services has a lien against it, using the vehicle for transportation network company services may violate the terms of your contract with the lienholder. If you are required by agreement with the lienholder to maintain comprehensive and collision insurance on the vehicle, using the vehicle for TNC services without such insurance coverage may violate your legal obligation to the lienholder under Kansas law."

(b) If a TNC's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle. ~~The commission shall not assess any fines as a result of a violation of this subsection.~~

(c) If the vehicle used by a transportation network driver is subject to a lien and the lienholder requires comprehensive and collision insurance in its agreement, the transportation network driver shall ensure that comprehensive and collision insurance that covers the periods when the transportation network driver is logged on to a TNC's digital network but not engaged in a prearranged ride and when the transportation network driver is engaged in a prearranged ride is in effect.

(d) This section shall take effect on and after January 1, 2016.

Sec. 5. Sections 2, 12 and 19 of 2015 House Substitute for Senate Bill No. 117 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking lines 2 and 3; in line 4, by striking all before the period and inserting "the Kansas transportation network company services act; relating to certain definitions; relating to transportation network company requirements; relating to transportation network company drivers; relating to liens on personal vehicles; amending sections 2, 12 and 19 of 2015 House Substitute for Senate Bill No. 117 and repealing the existing sections";

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

SCOTT SCHWAB

ROB BRUCHMAN

RODERICK HOUSTON

*Conferees on part of House*

JEFF LONGBINE

ELAINE BOWERS

LAURA KELLY

*Conferees on part of Senate*

Senator Longbine moved the Senate adopt the Conference Committee Report on **SB 101**.

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

Yeas: Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer,

Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Arpke, Haley, Melcher.

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 Senate 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 3, following line 26, by inserting:

"New Sec. 3. (a) For the purposes of this section:

(1) "Emergency services personnel" means any employee or volunteer of an emergency services provider who is engaged in providing or supporting firefighting, dispatching services and emergency medical services.

(2) "Emergency services provider" means any public employer that employs persons to provide firefighting, dispatching services and emergency medical services.

(3) "Employee assistance program" means a program established by a law enforcement agency or emergency services provider to provide professional counseling or support services to employees of a law enforcement agency, emergency services provider or a professional mental health provider associated with a peer support team.

(4) "Law enforcement agency" means any public agency that employs law enforcement officers.

(5) "Law enforcement personnel" means a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto, an employee or volunteer of a law enforcement agency.

(6) "Peer support counseling session" means any session conducted by a peer support specialist that is called or requested in response to a critical incident or traumatic event involving the personnel of the law enforcement agency or emergency services provider.

(7) "Peer support specialist" is a person:

(A) Designated by a law enforcement agency, emergency services provider, employee assistance program or peer support team leader to lead, moderate or assist in a peer support counseling session;

(B) who is a member of a peer support team; and

(C) has received training in counseling and providing emotional and moral support to law enforcement officers or emergency services personnel who have been involved in emotionally traumatic incidents by reason of their employment.

(8) "Peer support team" means a group of peer support specialists serving one or more law enforcement providers or emergency services providers.

(b) Any communication made by a participant or peer support specialist in a peer support counseling session pursuant to this section, and any oral or written information conveyed in or as the result of the peer support counseling session, are confidential and may not be disclosed by any person participating in the peer support counseling session.

(c) Any communication relating to a peer support counseling session made confidential under subsection (b) that is made between peer support specialists, between peer support specialists and the supervisors or staff of an employee assistance program,

or between the supervisors or staff of an employee assistance program, is confidential and may not be disclosed.

(d) The provisions of this section apply only to peer support counseling sessions conducted by a peer support specialist.

(e) (1) The provisions of this section apply to all oral communications, notes, records and reports arising out of a peer support counseling session.

(2) Any notes, records or reports arising out of a peer support counseling session shall not be public records and shall not be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2020, unless the legislature acts to reenact such provisions. The provisions of this paragraph shall be reviewed by the legislature prior to July 1, 2020.

(f) Any communication made by a participant or peer support specialist in a peer support counseling session subject to this section, and any oral or written information conveyed in a peer support counseling session subject to this section, are not admissible in any judicial proceeding, administrative proceeding, arbitration proceeding or other adjudicatory proceeding. Communications and information made confidential under this section shall not be disclosed by the participants in any judicial proceeding, administrative proceeding, arbitration proceeding or other adjudicatory proceeding. The limitations on disclosure imposed by this subsection include disclosure during any discovery conducted as part of an adjudicatory proceeding.

(g) Nothing in this section limits the discovery or introduction into evidence of knowledge acquired by any law enforcement personnel or emergency services personnel from observation made during the course of employment, or material or information acquired during the course of employment, that is otherwise subject to discovery or introduction into evidence.

(h) This section does not apply to any:

(1) Threat of suicide or criminal act made by a participant in a peer support counseling session, or any information conveyed in a peer support counseling session relating to a threat of suicide or criminal act;

(2) information relating to abuse of spouses, children or the elderly, or other information that is required to be reported by law;

(3) admission of criminal conduct;

(4) disclosure of testimony by a participant who received peer support counseling services and expressly consented to such disclosure; or

(5) disclosure of testimony by the surviving spouse or executor or administrator of the estate of a deceased participant who received peer support counseling services and such surviving spouse or executor or administrator expressly consented to such disclosure.

(i) This section does not prohibit any communications between peer support specialists who conduct peer support counseling sessions, or any communications between peer support specialists and the supervisors or staff of an employee assistance program.

(j) This section does not prohibit communications regarding fitness of an employee for duty between an employee assistance program and an employer.

(k) This section shall be part of and supplemental to article 4 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 4. K.S.A. 22-2202 is hereby amended to read as follows: 22-2202. ~~(+)~~ (a) "Appellate court" means the supreme court or court of appeals, depending on the context in which the term is used and the respective jurisdiction of those courts over appeals in criminal cases, as provided in K.S.A. 22-3601, and amendments thereto.

~~(2)~~ (b) "Appearance bond" means an agreement, with or without security, entered into by a person in custody by which the person is bound to comply with the conditions specified in the agreement.

~~(3)~~ (c) "Arraignment" means the formal act of calling the defendant before a court having jurisdiction to impose sentence for the offense charged, informing the defendant of the offense with which the defendant is charged, and asking the defendant whether the defendant is guilty or not guilty.

~~(4)~~ (d) "Arrest" means the taking of a person into custody in order that the person may be forthcoming to answer for the commission of a crime. The giving of a notice to appear is not an arrest.

~~(5)~~ (e) "Bail" means the security given for the purpose of insuring compliance with the terms of an appearance bond.

~~(6)~~ (f) "Bind over" means require a defendant to appear and answer before a district judge having jurisdiction to try the defendant for the felony with which the defendant is charged.

~~(7)~~ (g) "Charge" means a written statement presented to a court accusing a person of the commission of a crime and includes a complaint, information or indictment.

~~(8)~~ (h) "Complaint" means a written statement under oath of the essential facts constituting a crime, except that a citation or notice to appear issued by a law enforcement officer pursuant to and in compliance with K.S.A. 8-2106, and amendments thereto, or a citation or notice to appear issued pursuant to and in compliance with K.S.A. 32-1049, and amendments thereto, shall be deemed a valid complaint if it is signed by the law enforcement officer.

~~(9)~~ (i) "Custody" means the restraint of a person pursuant to an arrest or the order of a court or magistrate.

~~(10)~~ (j) "Detention" means the temporary restraint of a person by a law enforcement officer.

~~(11)~~ (k) "Indictment" means a written statement, presented by a grand jury to a court, which charges the commission of a crime.

~~(12)~~ (l) "Information" means a verified written statement signed by a county attorney or other authorized representative of the state of Kansas presented to a court, which charges the commission of a crime. An information verified upon information and belief by the county attorney or other authorized representative of the state of Kansas shall be sufficient.

~~(13)~~ (m) "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 violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes court services officers, community corrections officers, parole officers and directors, security personnel and keepers of correctional institutions, jails or other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

~~(14)~~ (n) "Magistrate" means an officer having power to issue a warrant for the arrest of a person charged with a crime and includes justices of the supreme court, judges of the court of appeals and judges of district courts.

~~(15)~~ (o) "Notice to appear" means a written request, issued by a law enforcement officer, that a person appear before a designated court at a stated time and place.

~~(16)~~ (p) "Preliminary examination" means a hearing before a magistrate on a complaint or information to determine if a felony has been committed and if there is probable cause to believe that the person charged committed it.

~~(17)~~ (q) "Prosecuting attorney" means any attorney who is authorized by law to appear for and on behalf of the state of Kansas in a criminal case, and includes the attorney general, an assistant attorney general, the county or district attorney, an assistant county or district attorney and any special prosecutor whose appearance is approved by the court. In the case of prosecution for violation of a city ordinance, also, "prosecuting attorney" means the city attorney or any assistant city attorney.

~~(18)~~ (r) "Search warrant" means a written order made by a magistrate directed to a law enforcement officer commanding the officer to search the premises described in the search warrant and to seize property described or identified in the search warrant.

~~(19)~~ (s) "Summons" means a written order issued by a magistrate directing that a person appear before a designated court at a stated time and place and answer to a charge pending against the person.

~~(20)~~ (t) "Warrant" means a written order made by a magistrate directed to any law enforcement officer commanding the officer to arrest the person named or described in the warrant.";

Also on page 3, in line 27, before "K.S.A." by inserting "K.S.A. 22-2202 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "public safety; relating to peer support counseling sessions for emergency services personnel and law enforcement personnel;"; in line 2, before "K.S.A." by inserting "K.S.A. 22-2202 and";

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

JEFF KING  
GREG SMITH  
PAT PETTEY

*Conferees on part of Senate*

JOHN BARKER  
CHARLES MACHEERS  
JOHN CARMICHAEL

*Conferees on part of House*

Senator King moved the Senate adopt the Conference Committee Report on **HB 2025**.

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

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

Absent or Not Voting: Arpke, Haley, Melcher.  
The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2055** 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 11 through 34;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 9; following line 9 by inserting:

"Section 1. K.S.A. 2014 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~~

(C) judge, while such judge is engaged in the performance of such judge's duty;

(D) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(E) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(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~~

(C) judge, while such judge is engaged in the performance of such judge's duty;

(D) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(E) community corrections officer or court services officer, 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~~ state correctional 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;

(C) judge, while such judge is engaged in the performance of such judge's duty;

(D) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(E) community corrections officer or court services 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~~

(C) judge, while such judge is engaged in the performance of such judge's duty;

(D) attorney, while such attorney is engaged in the performance of such attorney's

duty; or

(E) community corrections officer or court services 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 for aging and disability services, while such employee is engaged in the performance of such employee's duty.

(g) (1) Battery is a class B person misdemeanor.

(2) Aggravated battery as defined in:

(A) Subsection (b)(1)(A) is a severity level 4, person felony;

(B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person felony;

(C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person felony; and

(D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person felony.

(3) Battery against a law enforcement officer as defined in:

(A) Subsection (c)(1) is a class A person misdemeanor;

(B) subsection (c)(2) is a severity level 7, person felony; and

(C) subsection (c)(3) is a severity level 5, person felony.

(4) Aggravated battery against a law enforcement officer as defined in:

(A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony; and

(B) subsection (d)(2) is a severity level 4, person felony.

(5) Battery against a school employee is a class A person misdemeanor.

(6) Battery against a mental health employee is a severity level 7, person felony.

(h) As used in this section:

(1) "Correctional institution" means any institution or facility under the supervision and control of the secretary of corrections;

(2) "state correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, whose duties include 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. 2014 Supp. 38-2302, and amendments thereto;~~

~~(4)~~ (3) "juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 2014 Supp. 38-2302, and amendments thereto;

~~(5)~~ (4) "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, whose duties include working at a city holding facility or county jail facility;

~~(6)~~ (5) "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)~~ (6) "mental health employee" means: (A) An employee of the Kansas department for aging and disability services working at Larned state hospital, Osawatomic 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 (B) contractors and employees of contractors under contract to provide services to the Kansas department for aging and disability services working at any such institution or facility;

(7) "judge" means a duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge;

(8) "attorney" means a: (A) County attorney, assistant county attorney, special assistant county attorney, district attorney, assistant district attorney, special assistant district attorney, attorney general, assistant attorney general or special assistant attorney general; and (B) public defender, assistant public defender, contract counsel for the state board of indigents' defense services or an attorney who is appointed by the court to perform services for an indigent person as provided by article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

(9) "community corrections officer" means an employee of a community corrections services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs; and

(10) "court services officer" means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court.

Sec. 2. K.S.A. 2014 Supp. 21-6811, as amended by section 2 of 2015 House Bill No. 2053, is hereby amended to read as follows: 21-6811. In addition to the provisions of K.S.A. 2014 Supp. 21-6810, and amendments thereto, the following shall apply in determining an offender's criminal history classification as contained in the presumptive sentencing guidelines grids:

(a) Every three prior adult convictions or juvenile adjudications of class A and class B person misdemeanors in the offender's criminal history, or any combination thereof, shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes. Every three prior adult convictions or juvenile adjudications of assault as defined in K.S.A. 21-3408, prior to its repeal, or K.S.A. 2014 Supp. 21-5412(a), and amendments thereto, occurring within a period commencing three years prior to the date of conviction for the current crime of conviction shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes.

(b) A conviction of criminal possession of a firearm as defined in K.S.A. 21-4204(a)(1) or (a)(5), prior to its repeal, criminal use of weapons as defined in K.S.A. 2014 Supp. 21-6301(a)(10) or (a)(11), and amendments thereto, or unlawful possession of a firearm as in effect on June 30, 2005, and as defined in K.S.A. 21-4218, prior to its repeal, will be scored as a select class B nonperson misdemeanor conviction or adjudication and shall not be scored as a person misdemeanor for criminal history purposes.

(c) (1) If the current crime of conviction was committed before July 1, 1996, and is for K.S.A. 21-3404(b), as in effect on June 30, 1996, involuntary manslaughter in the commission of driving under the influence, then, each prior adult conviction or juvenile adjudication for K.S.A. 8-1567, and amendments thereto, shall count as one person felony for criminal history purposes.

(2) If the current crime of conviction was committed on or after July 1, 1996, and is for a violation of K.S.A. 2014 Supp. 21-5405(a)(3), and amendments thereto, each prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for: (A) ~~Any~~ any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto; or (B) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits ~~the~~ any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto, shall count as one person felony for criminal history purposes.

(3) If the current crime of conviction is for a violation of K.S.A. 2014 Supp. 21-5413(b)(3), and amendments thereto:

(A) The first prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one nonperson felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto; and

(B) each second or subsequent prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one person felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto.

(d) Prior burglary adult convictions and juvenile adjudications will be scored for criminal history purposes as follows:

(1) As a prior person felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(a), prior to its repeal, or K.S.A. 2014 Supp. 21-5807(a)(1), and amendments thereto.

(2) As a prior nonperson felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(b) or (c), prior to its repeal, or K.S.A. 2014 Supp. 21-5807(a)(2) or (a)(3), and amendments thereto.

The facts required to classify prior burglary adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(e) (1) Out-of-state convictions and juvenile adjudications shall be used in classifying the offender's criminal history.

(2) An out-of-state crime will be classified as either a felony or a misdemeanor according to the convicting jurisdiction;

(A) If a crime is a felony in another state, it will be counted as a felony in Kansas.

(B) If a crime is a misdemeanor in another state, the state of Kansas shall refer to the comparable offense in order to classify the out-of-state crime as a class A, B or C misdemeanor. If the comparable misdemeanor crime in the state of Kansas is a felony, the out-of-state crime shall be classified as a class A misdemeanor. If the state of Kansas does not have a comparable crime, the out-of-state crime shall not be used in classifying the offender's criminal history.

(3) The state of Kansas shall classify the crime as person or nonperson. In designating a crime as person or nonperson, comparable offenses under the Kansas criminal code in effect on the date the current crime of conviction was committed shall be referred to. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state conviction shall be classified as a nonperson crime.

(4) Convictions or adjudications occurring within the federal system, other state systems, the District of Columbia, foreign, tribal or military courts are considered out-of-state convictions or adjudications.

(5) The facts required to classify out-of-state adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(f) Except as provided in K.S.A. 21-4710(d)(4), (d)(5) and (d)(6), prior to its repeal, or K.S.A. 2014 Supp. 21-6810(d)(3)(B), (d)(3)(C), (d)(3)(D) and (d)(4), and amendments thereto, juvenile adjudications will be applied in the same manner as adult convictions. Out-of-state juvenile adjudications will be treated as juvenile adjudications in Kansas.

(g) A prior felony conviction of an attempt, a conspiracy or a solicitation as provided in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2014 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, to commit a crime shall be treated as a person or nonperson crime in accordance with the designation assigned to the underlying crime.

(h) Drug crimes are designated as nonperson crimes for criminal history scoring.

(i) If the current crime of conviction is for a violation of K.S.A. 8-1602(b)(3) through (b)(5), and amendments thereto, each of the following prior convictions for offenses committed on or after July 1, 2011, shall count as a person felony for criminal history purposes: K.S.A. 8-235, 8-262, 8-287, 8-291, 8-1566, 8-1567, 8-1568, 8-1602, 8-1605 and 40-3104, and amendments thereto, and K.S.A. 2014 Supp. 21-5405(a)(3) and 21-5406, and amendments thereto, or a violation of a city ordinance or law of another state which would also constitute a violation of such sections.

(j) The amendments made to this section by ~~this act~~ 2015 House Bill No. 2053 are procedural in nature and shall be construed and applied retroactively.

Sec. 3. K.S.A. 2014 Supp. 22-2502 is hereby amended to read as follows: 22-2502. (a) A search warrant shall be issued only upon the oral or written statement, including those conveyed or received by electronic communication, of any person under oath or affirmation which states facts sufficient to show probable cause that a crime has been, is being or is about to be committed and which particularly describes a person, place or means of conveyance to be searched and things to be seized. Any statement which is made orally shall be either taken down by a certified shorthand reporter, sworn to under

oath and made part of the application for a search warrant, or recorded before the magistrate from whom the search warrant is requested and sworn to under oath. Any statement orally made shall be reduced to writing as soon thereafter as possible. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the magistrate may issue a search warrant for:

(1) The search or seizure of the following:

(A) Any thing that can be seized under the fourth amendment of the United States constitution;

~~(B)~~(C) any thing which has been used in the commission of a crime, or any contraband or any property which constitutes or may be considered a part of the evidence, fruits or instrumentalities of a crime under the laws of this state, any other state or of the United States. The term "fruits" as used in this act shall be interpreted to include any property into which the thing or things unlawfully taken or possessed may have been converted;

~~(B)~~(C) any person who has been kidnapped in violation of the laws of this state or who has been kidnapped in another jurisdiction and is now concealed within this state;

~~(C)~~(D) any human fetus or human corpse;

(E) any biological material, DNA, cellular material, blood, hair or fingerprints;

~~(D)~~(F) any person for whom a valid felony arrest warrant has been issued in this state or in another jurisdiction; or

~~(E)~~(G) (i) any information concerning the user of an electronic communication service; any information concerning the location of electronic communications systems, including, but not limited to, towers transmitting cellular signals involved in any wire communication; and any other information made through an electronic communications system; or

(ii) the jurisdiction granted in this paragraph shall extend to information held by entities registered to do business in the state of Kansas, submitting to the jurisdiction thereof, and entities primarily located outside the state of Kansas if the jurisdiction in which the entity is primarily located recognizes the authority of the magistrate to issue the search warrant; or

(2) the installation, maintenance and use of a tracking device.

(b) (1) The search warrant under subsection (a)(2) shall authorize the installation and use of the tracking device to track and collect tracking data relating to a person or property for a specified period of time, not to exceed 30 days from the date of the installation of the device.

(2) The search warrant under subsection (a)(2) may authorize the retrieval of the tracking data recorded by the tracking device during the specified period of time for authorized use of such tracking device within a reasonable time after the expiration of such warrant, for good cause shown.

(3) The magistrate may, for good cause shown, grant one or more extensions of a search warrant under subsection (a)(2) for the use of a tracking device, not to exceed 30 days each.

(c) Before ruling on a request for a search warrant, the magistrate may require the affiant to appear personally and may examine under oath the affiant and any witnesses that the affiant may produce. Such proceeding shall be taken down by a certified shorthand reporter or recording equipment and made part of the application for a search warrant.

(d) For a warrant executed prior to July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section or search warrants for tracking devices shall not be made available for examination without a written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire.

(e) (1) For a warrant executed on or after July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section or search warrants for tracking devices shall not be open to the public until the warrant has been executed. After the warrant has been executed, such affidavits or sworn testimony shall be made available to:

(A) The defendant or the defendant's counsel, when requested, for such disposition as either may desire; and

(B) any person, when requested, in accordance with the requirements of this subsection.

(2) Any person may request that affidavits or sworn testimony be disclosed by filing such request with the clerk of the court. The clerk of the court shall promptly notify the defendant or the defendant's counsel, the prosecutor and the magistrate that such request was filed.

(3) Within five business days after receiving notice of a request for disclosure from the clerk of the court, the defendant or the defendant's counsel and the prosecutor may submit to the magistrate, under seal, either:

(A) Proposed redactions, if any, to the affidavits or sworn testimony and the reasons supporting such proposed redactions; or

(B) a motion to seal the affidavits or sworn testimony and the reasons supporting such proposed seal.

(4) The magistrate shall review the requested affidavits or sworn testimony and any proposed redactions or motion to seal submitted by the defendant, the defendant's counsel or the prosecutor. The magistrate shall make appropriate redactions, or seal the affidavits or sworn testimony, as necessary to prevent public disclosure of information that would:

(A) Jeopardize the safety or well being of a victim, witness, confidential source or undercover agent, or cause the destruction of evidence;

(B) reveal information obtained from a court-ordered wiretap or from a search warrant for a tracking device that has not expired;

(C) interfere with any prospective law enforcement action, criminal investigation or prosecution;

(D) reveal the identity of any confidential source or undercover agent;

(E) reveal confidential investigative techniques or procedures not known to the general public;

(F) endanger the life or physical safety of any person;

(G) reveal the name, address, telephone number or any other information which specifically and individually identifies the victim of any sexual offense described in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2014 Supp. 21-6419 through 21-6422, and amendments thereto;

(H) reveal the name of any minor; or

(I) reveal any date of birth, personal or business telephone number, driver's license

number, nondriver's identification number, social security number, employee identification number, taxpayer identification number, vehicle identification number or financial account information.

(5) Within five business days after receiving proposed redactions or a motion to seal from the defendant, the defendant's counsel or the prosecutor, or within 10 business days after receiving notice of a request for disclosure, whichever is earlier, the magistrate shall either:

(A) Order disclosure of the affidavits or sworn testimony with appropriate redactions, if any; or

(B) order the affidavits or sworn testimony sealed and not subject to public disclosure.

(f) As used in this section:

(1) "Electronic communication" means the use of electronic equipment to send or transfer a copy of an original document;

(2) "electronic communication service" and "electronic communication system" have the meaning as defined in K.S.A. 22-2514, and amendments thereto;

(3) "tracking data" means information gathered or recorded by a tracking device; and

(4) "tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position or movement of a person or object. "Tracking device" includes, but is not limited to, a device that stores geographic data for subsequent access or analysis and a device that allows for the real-time monitoring of movement.

(g) Nothing in this section shall be construed as requiring a search warrant for cellular location information in an emergency situation pursuant to K.S.A. 22-4615, and amendments thereto.;

On page 4, in line 10, after "Supp." by inserting "21-5413, 22-2502 and"; also in line 10, by striking "is" and inserting ", as amended by section 2 of 2015 House Bill No. 2053, are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "to" by inserting "battery,;"; in line 3, after "misdemeanors;" by inserting "search warrants,;"; also in line 3, after "Supp." by inserting "21-5413, 22-2502 and"; also in line 3, after "21-6811" by inserting ", as amended by section 2 of 2015 House Bill No. 2053,;"; in line 4, by striking "section" and inserting "sections";

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

GREG SMITH  
FOREST KNOX  
PAT PETTEY

*Conferees on part of Senate*

JOHN BARKER  
CHARLES MACHEERS  
JOHN CARMICHAEL

*Conferees on part of House*

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2055**.

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

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

Absent or Not Voting: Arpke, Haley, Melcher.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2124** 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, by striking all in lines 6 through 19 and inserting:

"Section 1. K.S.A. 2014 Supp. 21-6110 is hereby amended to read as follows: 21-6110. (a) It shall be unlawful, with no requirement of a culpable mental state, to smoke in an enclosed area or at a public meeting including, but not limited to:

- (1) Public places;
- (2) taxicabs and limousines;
- (3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
- (4) restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;
- (5) access points of all buildings and facilities not exempted pursuant to subsection (d); and
- (6) any place of employment.

(b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.

(c) Notwithstanding any other provision of this section, K.S.A. 2014 Supp. 21-6111 or 21-6112, and amendments thereto, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.

(d) The provisions of this section shall not apply to:

- (1) The outdoor areas of any building or facility beyond the access points of such building or facility;
- (2) private homes or residences, except when such home or residence is used as a

day care home, as defined in K.S.A. 65-530, and amendments thereto;

(3) a hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;

(4) the gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto;

(5) that portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;

(6) that portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;

(7) tobacco shops;

(8) a class A or class B club defined in K.S.A. 41-2601, and amendments thereto, which: (A) Held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises;

(9) a private club in designated areas where minors are prohibited; ~~and~~

(10) any benefit cigar dinner or other cigar dinner of a substantially similar nature that:

(A) Is conducted specifically and exclusively for charitable purposes by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(B) is conducted no more than once per calendar year by such organization; and

(C) has been held during each of the previous three years prior to January 1, 2011;

and

(11) that portion of a medical or clinical research facility constituting a separately ventilated, secure smoking room dedicated and used solely and exclusively for clinical research activities conducted in accordance with regulatory authority of the United States or the state of Kansas, as determined by the director of alcoholic beverage control of the department of revenue.

Sec. 2. K.S.A. 50-6a02 is hereby amended to read as follows: 50-6a02. As used in this act:

(a) "Adjusted for inflation" means increased in accordance with the formula for inflation adjustment set forth in exhibit C to the master settlement agreement.

(b) "Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of this definition, the terms "owns," "is owned" and "ownership" mean ownership of an equity interest, or the equivalent thereof, of 10% or more, and the term "person" means an individual, partnership, committee, association, corporation or any other organization or group of persons.

(c) "Allocable share" means allocable share as that term is defined in the master settlement agreement.

(d) "Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use and consists of or contains: (1) Any roll of

tobacco wrapped in paper or in any substance not containing tobacco; ~~or~~ (2) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in ~~clause (1) of this subsection~~ (d)(1). The term "cigarette" includes "roll-your-own" (i.e., any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes). For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."

(e) "Master settlement agreement" means the settlement agreement (and related documents) entered into on November 23, 1998, by the state and leading United States tobacco product manufacturers.

(f) "Qualified escrow fund" means an escrow arrangement with a federally or state chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of at least \$1,000,000,000 where such arrangement requires that such financial institution hold the escrowed funds' principal for the benefit of releasing parties and prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing or directing the use of the funds' principal except as consistent with ~~subsection (b)(2) of K.S.A. 50-6a03~~(b)(2), and amendments thereto.

(g) "Released claims" means released claims as that term is defined in the master settlement agreement.

(h) "Releasing parties" means releasing parties as that term is defined in the master settlement agreement.

(i) "Tobacco product manufacturer" means an entity that after the date of enactment of this act directly (and not exclusively through any affiliate):

(1) Manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is an original participating manufacturer, as that term is defined in the master settlement agreement, that will be responsible for the payments under the master settlement agreement with respect to such cigarettes as a result of the provisions of subsections II(mm) of the master settlement agreement and that pays the taxes specified in subsection II(z) of the master settlement agreement, and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States);

(2) is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or

(3) becomes a successor of an entity described in paragraph (1) or (2). The term "tobacco product manufacturer" shall not include an affiliate of a tobacco product manufacturer unless such affiliate itself falls within any of ~~parts (1)-(3) of~~ subsection (i) (1) through (3) above.

(j) "Units sold" means, with respect to a particular tobacco product manufacturer for a particular year, the number of individual cigarettes sold in the state, including, without limitation, any cigarettes sold on any qualified tribal land within the state, by

the applicable tobacco product manufacturer (whether directly or through a distributor, retailer or similar intermediary or intermediaries), during the year in question, ~~as measured by excise taxes collected by the state on packs (or "roll-your-own" tobacco containers) bearing the excise tax stamp of the state for which the state has the authority under federal law to impose excise or a similar tax or to collect escrow deposits, regardless of whether such taxes were imposed or collected by the state.~~ The department of revenue and the attorney general shall promulgate such rules and regulations as are necessary to ascertain the amount number of state excise tax paid on the cigarettes units sold of such tobacco product manufacturer for each year.

Sec. 3. K.S.A. 2014 Supp. 50-6a04 is hereby amended to read as follows: 50-6a04.

(a) No person may:

(1) Affix, or cause to be affixed, tax indicia to a package of cigarettes, or otherwise pay the tax due upon such cigarettes, of a tobacco product manufacturer brand family not included in the directory; or

(2) sell, offer, possess for sale or import ~~for personal consumption in~~ into this state, cigarettes of a tobacco product manufacturer brand family not included in the directory.

(b) (1) Not later than July 1, 2009, the attorney general shall develop a directory, to be posted on the attorney general's website. Except as otherwise provided, the directory shall list all tobacco product manufacturers and brand families of such tobacco product manufacturers that have provided current and accurate certifications conforming to the requirements of subsection (c).

(2) The attorney general shall not include or retain in the directory any non-participating manufacturer, or non-participating manufacturer's brand family, that has failed to provide the required certification, or whose certification the attorney general determines is not in compliance with subsection (c), unless such failure or noncompliance has been cured to the satisfaction of the attorney general.

(3) In the case of a non-participating manufacturer, neither the tobacco product manufacturer nor a brand family shall be included or retained in the directory if the attorney general concludes:

(A) That an escrow payment required pursuant to K.S.A. 50-6a03, and amendments thereto, for any period for any brand family, whether or not listed by such non-participating manufacturer, has not been fully paid into a qualified escrow fund governed by an escrow agreement that has been approved by the attorney general;

(B) that an outstanding final judgment, including interest thereon, for a violation of K.S.A. 50-6a03, and amendments thereto, has not been fully satisfied for such tobacco product manufacturer; or

(C) that, within three calendar years prior to the date of submission or approval of the most recent certification, such tobacco product manufacturer has defaulted on escrow payments in any other state or jurisdiction that is a party to the master settlement agreement and the default has not been cured within 90 calendar days of such default.

(4) The attorney general shall update the directory as necessary in order to correct mistakes and to add or remove a tobacco product manufacturer or brand family so as to keep the directory in conformity with the requirements of this act.

(5) The attorney general shall promptly post in the directory and transmit by electronic mail to each stamping agent that has provided an electronic mail address, notice of removal from the directory of a tobacco product manufacturer or brand family.

(6) Unless otherwise provided by agreement between a stamping agent and a

tobacco product manufacturer, the stamping agent shall be entitled to a refund from a tobacco product manufacturer for any money paid by the stamping agent to the tobacco product manufacturer for any cigarettes of the tobacco product manufacturer in the possession of the stamping agent on the effective date of removal from the directory of that tobacco product manufacturer or brand family.

(7) Unless otherwise provided by agreement between a retail dealer or a vending machine operator and a tobacco product manufacturer, a retail dealer or a vending machine operator shall be entitled to a refund from a tobacco product manufacturer for any money paid by the retail dealer or vending machine operator to a stamping agent for any cigarettes of the tobacco product manufacturer still in the possession of the retail dealer or vending machine operator on the effective date of removal from the directory of that tobacco product manufacturer or brand family.

(8) The attorney general may remove from the state directory a tobacco product manufacturer or brand family if the attorney general concludes that:

(A) (i) The tobacco product manufacturer or any of the tobacco product manufacturer's affiliates, sales entity affiliates, officers or directors had pleaded guilty or nolo contendere to or been found guilty of a felony crime relating to the sale or taxation of cigarettes or tobacco products; or

(ii) the tobacco product manufacturer and the tobacco product manufacturer's brand families have been removed from the directory of another state based on acts or omissions that would, if done in this state, serve as a basis for removal from the directory maintained by the attorney general under this section, unless the manufacturer demonstrates that its removal from the other state's directory was effected without due process.

(B) (i) A tobacco product manufacturer that is removed from the state directory under this subsection (b) shall be eligible for relisting in the directory described in this subsection (b) on the earlier of the date on which the tobacco product manufacturer cures the violation or the date on which the tobacco product manufacturer is reinstated to the directory in the other state; or

(ii) in the case of a non-participating manufacturer deemed an elevated risk pursuant to K.S.A. 50-6a09, and amendments thereto, the attorney general may require such non-participating manufacturer to post a bond in accordance with that section.

(c) (1) On or before April 30 of each year, every tobacco product manufacturer whose cigarettes are sold in this state, whether directly or through a stamping agent or similar intermediary or intermediaries, shall execute and deliver in the manner prescribed by the attorney general a certification to the attorney general certifying under penalty of perjury that, as of the date of such certification, such tobacco product manufacturer either is:

(A) A participating manufacturer; or

(B) in full compliance with K.S.A. 50-6a03, and amendments thereto, including payment of all quarterly installment payments as may be required by subsection (d).

(2) A participating manufacturer shall include in its certification a list of its brand families. The participating manufacturer shall update such list 30 calendar days prior to any addition to, or modification of its brand families by executing and delivering a supplemental certification to the attorney general.

(3) A non-participating manufacturer shall include in its certification:

(A) The number of units sold for each brand family sold in the state during the

preceding calendar year;

(B) a list of all of its brand families sold in the state at any time during the current calendar year, including any brand family sold in the state during the preceding calendar year that is no longer being sold in the state as of the date of such certification;

(C) the identity, by name and address, of any other tobacco product manufacturer who manufactured such brand families in the preceding or current calendar year;

(D) a declaration that such non-participating manufacturer is registered to do business in the state, or has appointed a resident agent for service of process, and provided notice thereof as required by K.S.A. 2014 Supp. 50-6a08, and amendments thereto;

(E) a declaration that such non-participating manufacturer:

(i) Has established and continues to maintain a qualified escrow fund; and

(ii) has executed an escrow agreement that governs the qualified escrow fund and that such escrow agreement has been reviewed and approved by the attorney general;

(F) a declaration that such non-participating manufacturer consents to the jurisdiction of the district court of the third judicial district, Shawnee county, Kansas, for purposes of enforcing this act, or rules or regulations promulgated pursuant thereto, as required by ~~subsection (e) of~~ K.S.A. 2014 Supp. 50-6a08(c), and amendments thereto;

(G) a declaration that such non-participating manufacturer is in full compliance with ~~subsection (b) of~~ K.S.A. 50-6a03(b), and amendments thereto, and any rules or regulations promulgated pursuant to this act;

(H) (i) the name, address and telephone number of the financial institution where the non-participating manufacturer has established such qualified escrow fund required pursuant to ~~subsection (b) of~~ K.S.A. 50-6a03(b), and amendments thereto;

(ii) the account number of such qualified escrow fund and any sub-account number for the state of Kansas;

(iii) the amount such non-participating manufacturer placed in such qualified escrow fund for cigarettes sold in this state during the preceding calendar year, the date and amount of each such deposit and such evidence or verification as may be deemed necessary by the attorney general to confirm the foregoing; and

(iv) the amount and date of any withdrawal or transfer of funds the non-participating manufacturer made at any time from such qualified escrow fund or from any other qualified escrow fund into which it ever made escrow payments pursuant to ~~subsection (b) of~~ K.S.A. 50-6a03(b), and amendments thereto; ~~and~~

(I) in the case of a non-participating manufacturer located outside of the United States, a declaration from each of its importers to the United States of any of its brand families to be sold in Kansas that such importer accepts joint and several liability with the non-participating manufacturer for:

(i) All escrow deposits due under ~~subsection (b) of~~ K.S.A. 50-6a03(b), and amendments thereto;

(ii) all penalties assessed under ~~subsection (b) of~~ K.S.A. 50-6a03(b), and amendments thereto; and

(iii) payment of all costs and attorney fees pursuant to any successful action under this act against ~~said~~ such manufacturer.

Such declarations by importers of a non-participating manufacturer shall appoint for the declarant a resident agent for service of process in Kansas in accordance with

K.S.A. 2014 Supp. 50-6a08, and amendments thereto, and consent to jurisdiction in accordance with K.S.A. 2014 Supp. 50-6a08, and amendments thereto;

(J) the identity of all stamping agents, wholesalers and distributors, by name and address, to whom the non-participating manufacturer or its importer sold cigarettes to or that the manufacturer or importer believes or has reason to believe purchased or received any of the manufacturer's cigarettes from another source during the preceding calendar year, and those for which the manufacturer or its importer plan to sell to or believe or has reason to believe will purchase or receive any of the manufacturer's cigarettes from another source during the certifying calendar year; and

(K) a declaration that all sales or shipments made by the non-participating manufacturer or its affiliates, including, but not limited to, its importers and stamping agents provided for certification under this section, within or into this state are made to a stamping agent, wholesaler, distributor or retailer that is licensed in this state.

(4) A tobacco product manufacturer may not include a brand family in its certification unless:

(A) In the case of a participating manufacturer, said participating manufacturer affirms that the brand family shall be deemed to be its cigarettes for purposes of calculating its payments under the master settlement agreement for the relevant year in the volume and shares determined pursuant to the master settlement agreement; or

(B) in the case of a non-participating manufacturer, said non-participating manufacturer affirms that the brand family shall be deemed to be its cigarettes for purposes of ~~subsection (b) of~~ K.S.A. 50-6a03(b), and amendments thereto.

Nothing in this paragraph shall be construed as limiting or otherwise affecting the state's right to maintain that a brand family constitutes cigarettes of a different tobacco product manufacturer for purposes of calculating payments under the master settlement agreement or ~~subsection (b) of~~ K.S.A. 50-6a03(b), and amendments thereto.

(5) Invoices and documentation of sales and other such information relied upon for such certification shall be maintained by tobacco product manufacturers for a period of at least five years.

(6) As a condition to being listed and having its brand families listed in the directory, a tobacco product manufacturer shall also:

(A) Certify annually that such manufacturer or its importer holds a valid permit under 26 U.S.C. § 5713 and provide a copy of such permit to the attorney general;

(B) certify annually that it is in compliance with all reporting and registration requirements of 15 U.S.C. § 375 et seq. and provide monthly to the director and the attorney general, regardless of sales or shipments, a copy of all reports required pursuant to 15 U.S.C. §§ 376 and 376a, to be filed electronically in a manner prescribed by the director and attorney general; and

(C) pay annually a \$500 directory fee to the attorney general which shall be deposited in the tobacco master settlement agreement compliance fund.

(d) The attorney general may require a tobacco product manufacturer subject to the requirements of subsection (c) to make the escrow deposits required by ~~subsection (b) of~~ K.S.A. 50-6a03(b), and amendments thereto, in quarterly installments during the calendar year in which the sales covered by such deposits are made. The attorney general may require production of information sufficient to enable the attorney general to determine the adequacy of the amount of the installment deposit.

Sec. 4. K.S.A. 2014 Supp. 50-6a07 is hereby amended to read as follows: 50-6a07. As used in this act:

(a) "Act" means the provisions of K.S.A. 50-6a01 through 50-6a06, and amendments thereto, and the provisions of K.S.A. 2014 Supp. 50-6a07 through 50-6a21, and amendments thereto.

(b) "Brand family" means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, "menthol," "lights," "kings," and "100s," and includes any brand name (alone or in conjunction with any other word), trademark, logo, symbol, motto, selling message, recognizable pattern of colors or any other indicia of product identification identical, similar to or identifiable with a previously known brand of cigarettes.

(c) "Cigarette" has the same meaning given that term in ~~subsection (d) of~~ K.S.A. 50-6a02(d), and amendments thereto.

(d) "Director" means the director of taxation.

(e) "Indian tribe" means any Indian tribe, band, nation or other organized group or community that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians under the laws of the United States.

~~(e)-(f)~~ (f) "Master settlement agreement" has the same meaning given that term in ~~subsection (e) of~~ K.S.A. 50-6a02(e), and amendments thereto.

~~(f)-(g)~~ (g) "Non-participating manufacturer" means any tobacco product manufacturer that is not a participating manufacturer.

~~(g)-(h)~~ (h) "Participating manufacturer" has the meaning given that term in ~~subsection (i)(1) of~~ K.S.A. 50-6a02(i)(1), and amendments thereto.

~~(h)-(i)~~ (i) "Qualified escrow fund" has the same meaning given that term in ~~subsection (f) of~~ K.S.A. 50-6a02(f), and amendments thereto.

~~(i)-(j)~~ (j) "Resident agent" means a domestic corporation, a domestic limited partnership, a domestic limited liability company or a domestic business trust or a foreign corporation, a foreign limited partnership, a foreign limited liability company or a foreign business trust authorized to transact business in this state, and which is generally open during regular business hours to accept service of process on behalf of a non-participating manufacturer.

~~(j)-(k)~~ (k) "Retail dealer" has the same meaning given that term in ~~subsection (q) of~~ K.S.A. 79-3301(q), and amendments thereto.

~~(k)-(l)~~ (l) "Stamping agent" means a person who is authorized to affix tax indicia to packages of cigarettes pursuant to K.S.A. 79-3311, and amendments thereto, or any person who is required to pay the tax on the privilege of selling or dealing in roll-your-own tobacco products pursuant to K.S.A. 79-3371, and amendments thereto.

~~(l)-(m)~~ (m) "Tax indicia" has the same meaning given that term in ~~subsection (u) of~~ K.S.A. 79-3301(u), and amendments thereto.

~~(m)-(n)~~ (n) "Tobacco product manufacturer" has the same meaning given that term in ~~subsection (i) of~~ K.S.A. 50-6a02(i), and amendments thereto.

(o) "Qualified tribal land" means:

(1) All land within the borders of this state that is within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, including rights-of-way running through the reservation;

- (2) all dependent Indian communities within the borders of this state;
- (3) all Indian allotments within the borders of this state, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments; and
- (4) any lands within the borders of this state, the title to which is either held in trust by the United States for the benefit of any Indian tribe or individual, or held by any Indian tribe or individual subject to restriction by the United States against alienation, and over which an Indian tribe exercises governmental power.

~~(p)~~ (p) "Units sold" has the same meaning given that term in ~~subsection (j)~~ of K.S.A. 50-6a02(j), and amendments thereto.

~~(q)~~ (q) "Vending machine operator" has the same meaning given that term in ~~subsection (y)~~ of K.S.A. 79-3301(y), and amendments thereto.

Sec. 5. K.S.A. 2014 Supp. 50-6a10 is hereby amended to read as follows: 50-6a10.

(a) (1) No later than 10 calendar days after the end of each calendar month, and more frequently if so directed by the attorney general or director, each stamping agent authorized to affix tax indicia to packages of cigarettes pursuant to K.S.A. 79-3311, and amendments thereto, shall submit such information as the attorney general or director requires. No later than 20 calendar days after the end of each calendar month, and more frequently if so directed by the attorney general or director, each stamping agent who is required to pay the tax on the privilege of selling or dealing in roll-your-own tobacco products pursuant to K.S.A. 79-3371, and amendments thereto, shall submit such information as the attorney general or director requires.

(2) Invoices and documentation of sales of all non-participating manufacturer cigarettes, and any other information relied upon in reporting to the director shall, upon request, be made available to the director or the attorney general. Such invoices and documents shall be maintained for a period of at least three years.

(b) At any time, the attorney general may request from the non-participating manufacturer or the financial institution at which such manufacturer has established a qualified escrow fund for the purpose of compliance with ~~subsection (b)~~ of K.S.A. 50-6a03(b), and amendments thereto, proof of the amount of money in such fund, exclusive of interest, the amount and date of each deposit to such fund and the amount and date of each withdrawal from such fund.

(c) In addition to the information required to be submitted pursuant to subsections (a) and (b) and ~~subsection (e)~~ of K.S.A. 50-6a04(c), and amendments thereto, the attorney general or the director may require a stamping agent or tobacco product manufacturer to submit any additional information including, but not limited to, samples of the packaging or labeling of each brand family as is necessary to enable the attorney general to determine whether a tobacco product manufacturer is in compliance with this act.

(d) A stamping agent or non-participating manufacturer receiving a request pursuant to ~~subsection (e)~~ this section shall provide the requested information within 30 calendar days from receipt of the request.

Sec. 6. K.S.A. 2014 Supp. 50-6a11 is hereby amended to read as follows: 50-6a11.

(a) The director is authorized to disclose to the attorney general any information received under this act, as requested by the attorney general for purposes of determining compliance with or enforcing the provisions of this act. The director and attorney general shall share with each other information received under this act and the director

and the attorney general may share such information with federal agencies, attorneys general of other states or directors of taxation or their equivalents of other states, for purposes of enforcement of this act, the corresponding federal laws or the corresponding laws of other states. The director and attorney general may share the information specified under this subsection with any of the following:

(1) Federal, state or local agencies for the purposes of enforcement of corresponding laws of other states.

(2) A court, arbitrator, data clearinghouse or similar entity for the purpose of assessing compliance with or making calculations required by the master settlement agreement or agreements regarding disputes under the master settlement agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential.

(b) Except as otherwise provided, any information provided to the attorney general or director for purposes of enforcement of this act may be shared between the attorney general and the director and shall not be disclosed publicly by the attorney general or the director except when necessary to facilitate compliance with and enforcement of this act.

(c) On a quarterly basis, and upon request made in writing by a tobacco product manufacturer, the attorney general or the director may provide the name of any stamping agent who reports selling the tobacco product manufacturer's products.

(d) On a quarterly basis, and upon request made in writing by a tobacco product manufacturer, a stamping agent shall provide to the requesting tobacco product manufacturer the total number of cigarettes, by brand family, which the stamping agent reported to the attorney general or director pursuant to K.S.A. 2014 Supp. 50-6a10, and amendments thereto, provided that such information provided by the stamping agent to a tobacco product manufacturer shall be limited to the brand families of that manufacturer as listed in the directory established in ~~subsection (b) of~~ K.S.A. 50-6a04**(b)**, and amendments thereto.

(e) Unless disclosure is authorized under this section, all information obtained by the director and disclosed to the attorney general or shared with federal agencies, attorneys general of other states or directors of taxation or their equivalents of other states for purposes of enforcement of this act, the corresponding federal laws or the corresponding laws of other states, shall be confidential. The penalties provided under K.S.A. 75-5133, and amendments thereto, shall not apply when information is lawfully disclosed pursuant to this section.

(f) Any tobacco sales data provided to the director, attorney general or data clearinghouse for the purpose of assessing compliance with or making calculations required by the master settlement agreement or related agreements, shall be confidential. The provisions of this subsection shall expire on July 1, 2020, unless the legislature reviews this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2020.

Sec. 7. K.S.A. 2014 Supp. 50-6a16 is hereby amended to read as follows: 50-6a16. (a) It shall be unlawful for a person to sell or distribute cigarettes, or acquire, hold, own, possess, transport, import or cause to be imported cigarettes that the person knows or should know are intended for distribution or sale in this state in violation of ~~subsection (a) of~~ K.S.A. 50-6a04**(a)**, ~~and amendments thereto. A violation of this subsection shall be a class B misdemeanor or~~ 50-6a13**(a)**, and amendments thereto.

(1) Upon a first conviction for a violation of subsection (a), a person shall be guilty of a class A nonperson misdemeanor and sentenced to no more than one year in confinement and fined not less than \$1,000, nor more than \$2,500.

(2) On a second conviction for a violation of subsection (a), a person shall be guilty of a severity level 9 nonperson felony and fined a sum of not less than \$10,000, nor more than \$100,000, and sentenced according to the provisions of K.S.A. 2014 Supp. 21-6804, and amendments thereto.

(3) On a third or subsequent conviction for a violation of subsection (a), a person shall be guilty of a severity level 9 nonperson felony and fined a sum of no less than \$50,000, nor more than \$100,000, and sentenced according to the provisions of K.S.A. 2014 Supp. 21-6804, and amendments thereto.

(4) The penalties provided hereunder are cumulative to the remedies or penalties, including all civil penalties, under all other laws of this state.

(b) It shall be unlawful for a non-participating manufacturer, directly or indirectly, to falsely represent to any person in Kansas:

- (1) Any information about a brand family listed on the directory;
- (2) that it is a participating manufacturer;
- (3) that it has made all required escrow payments; or
- (4) that it has satisfied any other requirements imposed pursuant to this act.

A violation of this subsection is a class A nonperson misdemeanor.

(c) The attorney general shall have concurrent authority with any county or district attorney to prosecute any violation of this section.

Sec. 8. K.S.A. 2014 Supp. 75-5133 is hereby amended to read as follows: 75-5133.

(a) Except as otherwise more specifically provided by law, all information received by the secretary of revenue, the director of taxation or the director of alcoholic beverage control from returns, reports, license applications or registration documents made or filed under the provisions of any law imposing any sales, use or other excise tax administered by the secretary of revenue, the director of taxation, or the director of alcoholic beverage control, or from any investigation conducted under such provisions, shall be confidential, and it shall be unlawful for any officer or employee of the department of revenue to divulge any such information except in accordance with other provisions of law respecting the enforcement and collection of such tax, in accordance with proper judicial order or as provided in K.S.A. 74-2424, and amendments thereto.

(b) The secretary of revenue or the secretary's designee may:

(1) Publish statistics, so classified as to prevent identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or the attorney general's designee;

(3) provide the post auditor access to all such excise tax reports or returns in accordance with and subject to the provisions of ~~subsection (g) of~~ K.S.A. 46-1106(g), and amendments thereto;

(4) disclose taxpayer information from excise tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) provide information from returns and reports filed under article 42 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, to county appraisers as is

necessary to insure proper valuations of property. Information from such returns and reports may also be exchanged with any other state agency administering and collecting conservation or other taxes and fees imposed on or measured by mineral production;

(6) provide, upon request by a city or county clerk or treasurer or finance officer of any city or county receiving distributions from a local excise tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month, and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number;

(7) provide information from returns and applications for registration filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-3601, and amendments thereto, to a city or county treasurer or clerk or finance officer to explain the basis of statistics contained in reports provided by subsection (b)(6);

(8) disclose the following oil and gas production statistics received by the department of revenue in accordance with K.S.A. 79-4216 et seq., and amendments thereto: Volumes of production by well name, well number, operator's name and identification number assigned by the state corporation commission, lease name, leasehold property description, county of production or zone of production, name of purchaser and purchaser's tax identification number assigned by the department of revenue, name of transporter, field code number or lease code, tax period, exempt production volumes by well name or lease, or any combination of this information;

(9) release or publish liquor brand registration information provided by suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: Item number, universal numeric code, type status, product description, alcohol percentage, selling units, unit size, unit of measurement, supplier number, supplier name, distributor number and distributor name;

(10) release or publish liquor license information provided by liquor licensees, distributors, suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: County name, owner, business name, address, license type, license number, license expiration date and the process agent contact information;

(11) release or publish cigarette and tobacco license information obtained from cigarette and tobacco licensees in accordance with the Kansas cigarette and tobacco products act. The information to be released is limited to: County name, owner, business name, address, license type and license number;

(12) provide environmental surcharge or solvent fee, or both, information from returns and applications for registration filed pursuant to K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary of health and environment or the secretary's designee for the sole purpose of ensuring that retailers collect the environmental surcharge tax or solvent fee, or both;

(13) provide water protection fee information from returns and applications for registration filed pursuant to K.S.A. 82a-954, and amendments thereto, to the secretary of the state board of agriculture or the secretary's designee and the secretary of the Kansas water office or the secretary's designee for the sole purpose of verifying revenues deposited to the state water plan fund;

(14) provide to the secretary of commerce copies of applications for project

exemption certificates sought by any taxpayer under the enterprise zone sales tax exemption pursuant to ~~subsection (cc)~~ of K.S.A. 79-3606(cc), and amendments thereto;

(15) disclose information received pursuant to the Kansas cigarette and tobacco act and subject to the confidentiality provisions of this act to any criminal justice agency, as defined in ~~subsection (e)~~ of K.S.A. 22-4701(c), and amendments thereto, or to any law enforcement officer, as defined in K.S.A. 2014 Supp. 21-5111, and amendments thereto, on behalf of a criminal justice agency, when requested in writing in conjunction with a pending investigation;

(16) provide to retailers tax exemption information for the sole purpose of verifying the authenticity of tax exemption numbers issued by the department;

(17) provide information concerning remittance by sellers, as defined in K.S.A. 2014 Supp. 12-5363, and amendments thereto, of prepaid wireless 911 fees from returns to the local collection point administrator, as defined in K.S.A. 2014 Supp. 12-5363, and amendments thereto, for purposes of verifying seller compliance with collection and remittance of such fees; ~~and~~

(18) release or publish charitable gaming information obtained in bingo licensee and registration applications and renewals in accordance with the bingo act, K.S.A. 79-4701 et seq., and amendments thereto. The information to be released is limited to: The name, address, phone number, license registration number and email address of the organization, distributor or of premises; ~~and~~

(19) provide to the attorney general confidential information for purposes of determining compliance with or enforcing K.S.A. 50-6a01 et seq., and amendments thereto, the master settlement agreement referred to therein and all agreements regarding disputes under the master settlement agreement. The secretary and the attorney general may share the information specified under this subsection with any of the following:

(A) Federal, state or local agencies for the purposes of enforcement of corresponding laws of other states; and

(B) a court, arbitrator, data clearinghouse or similar entity for the purpose of assessing compliance with or making calculations required by the master settlement agreement or agreements regarding disputes under the master settlement agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential.

(c) Any person receiving any information under the provisions of subsection (b) shall be subject to the confidentiality provisions of subsection (a) and to the penalty provisions of subsection (d).

(d) Any violation of this section shall be a class A, nonperson misdemeanor, and if the offender is an officer or employee of this state, such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute any violation of this section if the offender is a city or county clerk or treasurer or finance officer of a city or county.

Sec. 9. K.S.A. 50-6a02 and K.S.A. 2014 Supp. 21-6110, 50-6a04, 50-6a07, 50-6a10, 50-6a11, 50-6a16 and 75-5133 are hereby repealed.;

Also on page 1, in line 21, by striking "statute book" and inserting "Kansas register"; And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in

line 2; in line 3, by striking all before the period and inserting "cigarettes and tobacco products; relating to smoking; the directory and certification of tobacco product manufacturers; disclosure of information and criminal penalties; amending K.S.A. 50-6a02 and K.S.A. 2014 Supp. 21-6110, 50-6a04, 50-6a07, 50-6a10, 50-6a11, 50-6a16 and 75-5133 and repealing the existing sections";

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

JEFF KING  
GREG SMITH  
PAT PETTEY

*Conferees on part of Senate*

JOHN BARKER  
CHARLES MACHEERS  
JOHN CARMICHAEL

*Conferees on part of House*

Senator King moved the Senate adopt the Conference Committee Report on **S Sub HB 2124**.

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

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

Absent or Not Voting: Arpke, Haley, Melcher.

The Conference Committee Report was adopted.

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** begs leave to submit the following report:

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

By the Governor:

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

Henry Cox, to fill a term expiring on March 15, 2017

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:

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

Charles Sunderland, to fill a term of four years

Also, Committee on **Ways and Means** begs leave to submit the following report:

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

By the Governor:

Kansas Development Finance Authority, Member: K.S.A. 74-8903

Donald Linville, to fill a term of four years

**STRICKEN FROM THE CALENDAR**

On motion of Senator Bruce, the following bills were stricken from the calendar under the heading of **General Orders: SB 84, SB 170, SB 303.**

**SPECIAL REMARKS**

President Wagle recognized Kendall Kaut, Senate Reading Clerk, on his last day in the Senate. He will begin an internship with the Johnson County District Attorney later in the week and will graduate with his law degree from the University of Kansas May 2016.

**REPORT ON ENROLLED BILLS**

**Sub SB 38** reported correctly enrolled, properly signed and presented to the Governor on May 19, 2015.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, May 20, 2015.

# Journal of the Senate

SIXTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, May 20, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 39 senators present.  
Senator Haley was excused.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, Please hear our prayers today. When we look at our economy... when we look at the need in contrast to the supply, our concern goes through the roof. On one side are the needs and the needs are great. On the other side is the supply and it falls far short of the need. In John 6, we're presented with the same kind of picture. The need was significant...there were well over 5,000 people. And the supply fell far short...they had nothing to eat. When the want is greater than what's in the reservoir, what do we do? When the prescription is not adequate for the pain...when what we have in the bank is insufficient, what is our cry? Upon observing the magnitude of the need, the cry from Your disciples (verse 7) was "We just don't have enough!" But not so with You. In fact, You prove to be adequate for all our problems! From an inadequate supply...two fish and five loaves of bread, (verses 11-13), You ministered to the needs of those people and their lack of supply was reversed. They wound up with "more than enough." Lord the cry that's very prevalent today is "We just don't have enough!" Still, not so with You. Take into Your hands our meager, inadequate supply and let our place of weakness become Your place of strength. Without You Lord, our cry will always be "not enough!" But with You, not so; we will have "more than enough!" So keep us trusting in You in all that we do. 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 308**, AN ACT concerning compensation and expenses of legislators for a period of time during the 2015 regular session of the legislature, by Committee on Assessment and Taxation.

**SB 309**, AN ACT concerning health insurance; establishing certain fees on policies sold on the federally facilitated health insurance exchange; creating the medical assistance fee fund, by Committee on Ways and Means.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The President referred **SB 309** to the Committee on **Ways and Means**.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

**CHANGE OF REFERENCE**

The President withdrew **SB 306** and **SB 307** from the Committee on **Federal and State Affairs**, and referred the bills to the Committee on **Judiciary**.

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report to agree to disagree on **HB 2005**, and has appointed Representatives Ryckman, Barker and Henry as second conferees on the part of the House.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

**MESSAGES FROM THE GOVERNOR**

May 20, 2015

**Substitute SB 38** has been signed into law.

**REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **HB 2109**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2109," as follows:

"Senate Substitute for HOUSE BILL No. 2109

By Committee on Assessment and Taxation

"AN ACT concerning taxation; relating to income tax, rates, itemized deductions and income modifications; creating the payroll income tax credit; tax amnesty; sales and compensating use tax, rates, food and distribution thereof; cigarettes and tobacco products, rates; motor vehicle fuel taxes, rates and distribution thereof; personal property taxation, motor vehicles, computation of amount of tax, state school district ad valorem tax levy; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2014 Supp. 79-32,110, 79-32,117, 79-32,120, 79-3310, 79-3310c, 79-3311, 79-3312, 79-3492b, 79-34,118, 79-34,141, 79-34,142, 79-3602, 79-3603, as amended by section 20 of 2015 Senate Substitute for House Bill No. 2155, 79-3620, 79-3703, 79-3710 and 79-5105 and repealing the existing sections.";

And the substitute bill be reported without recommendation.

Committee on **Federal and State Affairs** recommends **Senate Substitute for HB 2228** be amended on page 1, in line 10, by striking "as provided in subsection (b)(2)," and inserting "in the case of an abortion performed in a hospital through inducing labor:

(A)"; in line 11, by striking "or any drug"; in line 12, after "shall" by inserting "initially"; in line 14, after "patient" by inserting "; and (B) when any other drug is used for the purpose of inducing an abortion, the drug or the prescription for such drug shall be given to the patient by or in the same room and in the physical presence of the physician who prescribed, dispensed or otherwise provided the drug or prescription to the patient"; in line 15, by striking all after "(2)"; by striking all in lines 16 through 20; in line 21, by striking "(3)"; and the bill be passed as amended.

Also, Committee on **Federal and State Affairs** begs leave to submit the following report:

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

By the Governor:

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

Phillis Setchell, to fill a term expiring on March 15, 2019

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

Brandon Jones, to fill a term expiring on January 15, 2017

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

Jay Emler, to fill a term expiring on March 15, 2019

#### **REPORT ON ENROLLED BILLS**

**SR 1749, SR 1750, SR 1751** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 20, 2015.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, May 21, 2015.

# Journal of the Senate

## SEVENTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, May 21, 2015, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.  
Roll was called with 39 senators present.  
Senator Haley was excused.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, When we have studied the issues and believe with everything in us, that we are right, remind us that we always thought that way as teenagers. When we are fully prepared to argue our position, before we do, give us at least some of the sense that you gave King Solomon. In 1 Kings 3:7-9, we are again reminded, of how in his humility, he said "I know so little about being a leader. He asked You to make him wise and teach him the difference between right and wrong. Or there'd be no way he could lead the people. Lord, it pleased You that he asked for some sense to be put in his head, rather than for cents to be put in his pocket. It pleased You so much, that You gave him both. Now, Lord the tension we're feeling today, is the ongoing struggle between the head and the pocket. So, as we debate and argue our positions, help us find that point of balance, where the head and the pocket can come together with priorities determined by You. We want You to be pleased with our prayer requests. Let the first desire of our hearts be that You put some sense in our heads. And after the votes have been cast put some cents in our pockets. For Lord, we need both in order to bless Your people. In the precious name of Jesus. Amen

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

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:  
Ways and Means: **SB 308**.

### REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** begs leave to submit the following report:  
The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:  
By the Governor:  
State Civil Service Board, Member: K.S.A. 75-2929a  
Phillis Setchell, to fill a term expiring on March 15, 2019

**CONSIDERATION OF APPOINTMENTS**

In accordance with 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 Committees on **Federal and State Affairs** and **Ways and Means**.

*By the Governor*

On the appointment to the:

*State Civil Service Board:*

Henry Cox, Term ends March 15, 2017

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

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

Absent or Not Voting: Haley, O'Donnell, Pettey.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Corporation Commission:*

Jay Emler, Term ends March 15, 2019

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

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

Absent or Not Voting: Haley, O'Donnell, Pettey.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Racing and Gaming Commission:*

Brandon Jones, Term ends January 15, 2017

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

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

Absent or Not Voting: Haley, O'Donnell, Pettey.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Development Finance Authority:*

Donald Linville, Term ends January 15, 2019

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

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

Absent or Not Voting: Haley, O'Donnell, Pettey.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Civil Service Board:*

Phillis Setchell, Term ends March 15, 2019

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Francisco.

Absent or Not Voting: Haley, O'Donnell, Pettey.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*University of Kansas Hospital Authority:*

Charles Sunderland, Term ends March 15, 2017

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

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

Absent or Not Voting: Haley, O'Donnell, Pettey.

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 2003; S Sub HB 2109; Sub HB 2224; S Sub HB 2228, S Sub HB 2353; HB 2364.**

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2003** submits the following report:

The Senate recedes from all of its amendments to the bill.

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

DENNIS PYLE

JACOB LATURNER

OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

STEVE HUEBERT

TOM PHILLIPS

JOHN ALCALA

*Conferees on part of House*

Senator Pyle moved the Senate adopt the Conference Committee Report on **HB 2003**.

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

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

Nays: Baumgardner.

Absent or Not Voting: Haley, O'Donnell, Pettey.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2364** 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 36;

By striking all on pages 2 and 3 and inserting the following:

"Section 1. K.S.A. 19-2761 is hereby amended to read as follows: 19-2761. ~~That should~~ (a) Except as provided in subsection (b), when a vacancy ~~occurs~~ occurs at any time in the office of a director of any improvement district, the remaining directors shall appoint a person from the qualified residents in such district ~~a person~~ to hold the office of director until the next election.

(b) (1) When a vacancy occurs in the office of a director of the Peck improvement district located in Sumner and Sedgwick counties, the board of county commissioners of Sumner county shall appoint a resident of Sumner county or Sedgwick county to hold the office of director until the next election.

(2) Once the appointment of a director has been made under paragraph (1), the Sedgwick county board of commissioners shall have 30 days to reject such appointment by a majority vote of the board. If no such action is taken, the appointment shall be deemed approved. If the appointment is rejected, the appointment process shall be

repeated until a director is selected.

Sec. 2. K.S.A. 19-2761 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, before "section" by inserting "certain improvement districts; amending K.S.A. 19-2761 and repealing the existing";

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

DENNIS PYLE

STEVE FITZGERALD

OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

STEVE HUEBERT

JOHN ALCALA

TOM PHILLIPS

*Conferees on part of House*

Senator Pyle moved the Senate adopt the Conference Committee Report on **HB 2364**.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, Olson, Ostmeier, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Haley, O'Donnell, Pettey.

The Conference Committee Report was adopted.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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The Senate pursuant to recess with President Wagle in the chair.

#### MESSAGE FROM THE HOUSE

Announcing passage of **SB 34**.

The House adopts the Conference Committee report on **HB 2025**.

The House adopts the Conference Committee report on **HB 2055**.

The House adopts the Conference Committee report on **HB 2104**.

The House adopts the Conference Committee report on **S Sub HB 2124**.

The House announces the appointment of Rep. Macheers to replace Rep. Schwartz as a conferee on **S Sub HB 2135**.

#### 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 Knox in the chair.

On motion of Senator Knox the following report was adopted:

**Sub HB 2224** be passed.

The committee report on **HB 2228** recommending **S Sub HB 2228** as amended, be adopted, and the substitute bill be passed as amended.

The committee report on **HB 2353** recommending **S Sub HB 2353** be adopted, be amended by Senator LaTurner, on page 16, following line 6, by inserting:

"Sec. 10. From and after July 1, 2015, K.S.A. 2014 Supp. 76-715a is hereby amended to read as follows: 76-715a. (a) The state board of regents, in accordance with the provisions of this section, may authorize any state institution of higher education to convert all classified staff employee positions or any portion thereof in the institution to the unclassified service of state employment. Except as otherwise provided for leave time in K.S.A. 2014 Supp. 76-715b, and amendments thereto, those classified staff employees whose positions are converted from classified to unclassified status shall retain all health and flexible benefits and leave and retirement benefits provided to them under the state classified employee system. Each institution designated by the board shall develop a plan for a system for administration of all other aspects of employment for these employees, including personnel policies and procedures, and each such system of administration shall be subject to approval by the state board of regents. Such personnel policies and procedures shall include a disciplinary and grievance process which provides for the right to appeal and due process procedures. Development of such plan shall be subject to input from affected classified employees. Implementation of this section shall not cause a salary reduction or layoff of any classified employee. This section shall not be implemented by the state board of regents at any state institution of higher education unless an election has been held for classified staff employees affected by such proposal at such institution and the classified staff employees voting at the election by majority vote approve the conversion of the classified staff employee positions affected by such proposal at that institution to unclassified positions. Any such election held after the effective date of this act shall be preceded by an official announcement providing at least 90 days notice of the date, time and place of the election. After a vote of approval, the state educational institution shall provide all affected employees with opportunities for input into the development of the plan that is to be presented to the state board of regents.

(b) For the limited purposes of this section, and K.S.A. 74-4925, and amendments thereto, these newly designated unclassified employees shall be referred to as "university support staff" and the university of Kansas medical center shall be considered a state institution of higher education separate from the university of Kansas, Lawrence, and its campuses.

(c) Nothing in this act shall affect the representation rights of collective bargaining organizations that represent employees of a state institution of higher education, nor shall the provisions of this act affect any term or condition of any collective bargaining agreement in effect on the effective date of this act.

Sec. 11. From and after July 1, 2015, K.S.A. 2014 Supp. 76-715b is hereby amended to read as follows: 76-715b. (a) As used in this section:

- (1) "State board" means the state board of regents.
- (2) "State educational institution" has the meaning ascribed thereto in K.S.A. 76-711, and amendments thereto.
- (3) "Leave time" means vacation leave and discretionary day leave.

(b) The state board may adopt a policy which authorizes state educational institutions to provide leave time to the classified employees and university support staff of any such institution in an amount not to exceed the amount of leave time provided to unclassified employees of such institution.

(c) Subject to the policy of the state board adopted pursuant to this section, each state educational institution may provide leave time to classified employees and university support staff of such institution. The amount of leave time may vary from the amount of leave time provided to classified or unclassified employees of state agencies that are not state educational institutions.";

Also on page 16, in line 16, after "No. 7" by inserting ", 76-715a and 76-715b";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "relating to the state board of regents; concerning university support staff;"; in line 10, after "No. 7" by inserting ", 76-715a and 76-715b".

**S Sub HB 2353** be further amended by motion of Senator Abrams, on page 16, following line 6, by inserting:

"Sec. 10. From and after July 1, 2015, K.S.A. 2014 Supp. 72-5413 is hereby amended to read as follows: 72-5413. As used in this act, ~~and in acts amendatory thereof or supplemental amendments~~ thereto:

(a) The term "persons" includes one or more individuals, organizations, associations, corporations, boards, committees, commissions, agencies, or their representatives.

(b) "Board of education" means the state board of education pursuant to its authority under K.S.A. 76-1001a and 76-1101a, and amendments thereto, the board of education of any school district, the board of control of any area vocational-technical school and the board of trustees of any community college.

(c) "Professional employee" means any person employed by a board of education in a position which requires a certificate issued by the state board of education or employed by a board of education in a professional, educational or instructional capacity, but shall not mean any such person who is an administrative employee and, commencing in the 2006-2007 school year, shall not mean any person who is a retirant from school employment of the Kansas public employees retirement system, regardless of whether an agreement between a board of education and an exclusive representative of professional employees that covers terms and conditions of professional service provides to the contrary.

(d) "Administrative employee" means, in the case of a school district, any person who is employed by a board of education in an administrative capacity and who is fulfilling duties for which an administrator's certificate is required under K.S.A. 72-7513, and amendments thereto; and, in the case of an area vocational-technical school or community college, any person who is employed by the board of control or the board of trustees in an administrative capacity and who is acting in that capacity and who has authority, in the interest of the board of control or the board of trustees, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them or to adjust their grievances, or effectively to recommend a preponderance of such actions, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(e) "Professional employees' organizations" means any one or more organizations, agencies, committees, councils or groups of any kind in which professional employees participate, and which exist for the purpose, in whole or part, of engaging in professional negotiation with boards of education with respect to the terms and conditions of professional service or for the purpose of professional development or liability protection.

(f) "Representative" means any professional employees' organization or any person it authorizes or designates to act in its behalf or any person a board of education authorizes or designates to act in its behalf.

(g) "Professional negotiation" means meeting, conferring, consulting and discussing in a good faith effort by both parties to reach agreement with respect to the terms and conditions of professional service.

(h) "Mediation" means the effort through interpretation and advice by an impartial third party to assist in reconciling a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation between a board of education or its representatives and representatives of the recognized professional employees' organization.

(i) "Fact-finding" means the investigation by an individual or board of a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation, and the submission of a report by such individual or board to the parties to such dispute which includes a determination of the issues involved, findings of fact regarding such issues, and the recommendation of the fact-finding individual or board for resolution of the dispute.

(j) "Strike" means an action taken for the purpose of coercing a change in the terms and conditions of professional service or the rights, privileges or obligations thereof, through any failure by concerted action with others to report for duty including, but not limited to, any work stoppage, slowdown, or refusal to work.

(k) "Lockout" means action taken by a board of education to provoke interruptions of or prevent the continuity of work normally and usually performed by the professional employees for the purpose of coercing professional employees into relinquishing rights guaranteed by this act and the act of which this section is amendatory.

(l) (1) "Terms and conditions of professional service" means: (A) Salaries and wages, including pay for duties under supplemental contracts; hours and amounts of work; vacation allowance, holiday, sick, extended, sabbatical; and other leave, and number of holidays; retirement; insurance benefits; wearing apparel; pay for overtime; jury duty; grievance procedure; including binding arbitration of grievances; disciplinary procedure; resignations; termination and nonrenewal of contracts; reemployment of professional employees; terms and form of the individual professional employee contract; probationary period; professional employee appraisal procedures; each of the foregoing being a term and condition of professional service, regardless of its impact on the employee or on the operation of the educational system; (B) matters which relate to privileges to be granted the recognized professional employees' organization, including, but not limited to, voluntary payroll deductions; dissemination of information regarding the professional negotiation process and related matters to members of the bargaining unit on school or college premises through direct contact with members of the bargaining unit; reasonable leaves of absence for members of the bargaining unit for organizational purposes, such as engaging in professional

negotiation and partaking of instructional programs properly related to the representation of the bargaining unit; any of the foregoing privileges which are granted the recognized professional employees' organization through the professional negotiation process shall not be granted to any other professional employees' organization; and (C) such other matters as the parties mutually agree upon as properly related to professional service including, but not limited to, employment incentive or retention bonuses authorized under K.S.A. 72-8246, and amendments thereto.

(2) Nothing in this act, and amendments thereto, shall authorize any professional employees' organization to be granted the exclusive privilege of access to the use of school or college facilities for meetings, the use of bulletin boards on or about the facility or the use of school or college mail systems.

(3) Nothing in this act, and amendments thereto, shall authorize the diminution of any right, duty or obligation of either the professional employee or the board of education which have been fixed by statute or by the constitution of this state. Except as otherwise expressly provided in this subsection (1), the fact that any matter may be the subject of a statute or the constitution of this state does not preclude negotiation thereon so long as the negotiation proposal would not prevent the fulfillment of the statutory or constitutional objective.

(4) Matters which relate to the duration of the school term, and specifically to consideration and determination by a board of education of the question of the development and adoption of a policy to provide for a school term consisting of school hours, are not included within the meaning of terms and conditions of professional service and are not subject to professional negotiation.

(m) "Secretary" means the secretary of labor or a designee thereof.

(n) "Statutory declaration of impasse date" means ~~June 1~~ July 31 in the current school year.

(o) "Supplemental contracts" means contracts for employment duties other than those services covered in the principal or primary contract of employment of the professional employee and shall include, but not be limited to, such services as coaching, supervising, directing and assisting extracurricular activities, chaperoning, ticket-taking, lunchroom supervision, and other similar and related activities.

Sec. 11. From and after July 1, 2015, K.S.A. 72-5423 is hereby amended to read as follows: 72-5423. (a) Nothing in this act, or the act of which this section is amendatory, shall be construed to change or affect any right or duty conferred or imposed by law upon any board of education, except that boards of education are required to comply with this act, and the act of which this section is amendatory, in recognizing professional employees' organizations, and when such an organization is recognized, the board of education and the professional employees' organization shall enter into professional negotiations on request of either party at any time during the school year prior to issuance or renewal of the annual teachers' contracts. Notices to negotiate on new items or to amend an existing contract must be filed on or before ~~February 1~~ March 31 in any school year by either party, such notices shall be in writing and delivered to the chief administrative officer of the board of education or to the representative of the bargaining unit and shall contain in reasonable and understandable detail the purpose of the new or amended items desired.

(b) (1) Upon entering negotiations pursuant to this section, the parties shall negotiate compensation of professional employees and hours and amounts of work. In addition, each party may select not more than three additional terms and conditions of professional service from the list described in K.S.A. 72-5413(l)(1), and amendments thereto, for negotiation. All other terms and conditions of professional service described in K.S.A. 72-5413(l)(1), and amendments thereto, shall be deemed permissive topics for negotiation and shall only be negotiated upon the mutual agreement of the parties.

(2) For purposes of this section, the term "compensation" means salary and wages, supplemental contract salaries and pay for overtime.

(3) The provisions of this subsection shall not apply to negotiations between a board of education and a professional employees' organization negotiating for the purpose of reaching their first agreement.

(c) Except as otherwise expressly provided in this subsection, every meeting, conference, consultation and discussion between a professional employees' organization or its representatives and a board of education or its representatives during the course of professional negotiation and every hearing conducted by the secretary under K.S.A. 72-5426, and amendments thereto, for determination of the question of the existence of impasse is subject to the provisions of the Kansas open meetings law, and any amendments or supplements thereto. Meetings, conferences, consultations and discussions held by the secretary under K.S.A. 72-5426, and amendments thereto, for investigation of the question of the existence of impasse, and meetings, conferences, consultations and discussions held during the course of and in connection with, and the meeting required at the conclusion of, impasse resolution proceedings, as provided for in K.S.A. 72-5427 and 72-5428, and amendments to such sections thereto, are specifically made exempt from the provisions of the Kansas open meetings law, and any amendments or supplements thereto.

~~(d)~~ Nothing in this act, or the act of which this section is amendatory, shall be construed to authorize a strike by professional employees.

~~(e)~~ Any agreement lawfully made under the provisions of this act, or the act of which this section is amendatory, may be adopted by reference and made a part of the employment contract between any professional employee of the applicable negotiating unit and a board of education for a period of not to exceed three years.

(f) Those individuals selected by the board of education and the professional employees' organization to conduct negotiations pursuant to this act shall complete training on conducting negotiations each year. The content and format of the training for these individuals shall be determined by the respective party each individual represents in negotiations."

Also on page 16, in line 11, after the second comma by inserting "K.S.A. 72-5423 and"; in line 14, after the first comma by inserting "72-5413,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "amending" by inserting "K.S.A. 72-5423 and"; in line 6, after the comma by inserting "72-5413,"

**S Sub HB 2353** be further amended by motion of Senator Masterson, on page 7, in line 26, after "year" by inserting ", provided such pupil or such pupil's family member is in compliance with any attendance and behavior policies of the district".

and **S Sub HB 2353** be passed as amended.

A motion by Senator Powell to amend **S Sub HB 2353** was withdrawn.  
**S Sub HB 2109** be passed over and retain a place on the calendar.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **Sub HB 2224**; **S Sub HB 2228** and **S Sub HB 2353** were advanced to final action and roll call.

**Sub HB 2224**, AN ACT concerning technical professions; amending K.S.A. 2014 Supp. 74-7003 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Haley.

The substitute bill passed.

**S Sub HB 2228**, AN ACT concerning abortion; relating to the administration of abortifacient drugs; amending K.S.A. 2014 Supp. 65-4a10 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, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Haley.

The substitute bill passed, as amended.

**S Sub HB 2353**, AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal years ending June 30, 2016, and June 30, 2017, for the department of education; amending K.S.A. 2014 Supp. 72-1046b, as amended by section 29 of 2015 House Substitute for Senate Bill No. 7, 72-3715, as amended by section 36 of 2015 House Substitute for Senate Bill No. 7, 72-6434, as amended by section 38 of 2015 House Substitute for Senate Bill No. 7, 72-8814, as amended by section 63 of 2015 House Substitute for Senate Bill No. 7, 75-2319, as amended by section 72 of 2015 House Substitute for Senate Bill No. 7 and Sections 5 and 6 of 2015 House Substitute for Senate Bill No. 7 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 72-6434, as amended by section 7 of this act, and 72-8814, as amended by section 8 of this act.

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

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

Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Haley.

The substitute bill passed, as amended.

#### MESSAGE FROM THE HOUSE

The House adopts **HCR 5019**.

The House not adopts the Conference Committee report on **SB 113**, requests a conference and appoints Representatives Barker, Macheers and Ward as third conferees on the part of the House.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS.

**HCR 5019**, A CONCURRENT RESOLUTION relating to the adjournment of the senate and the house of representatives for a period of time during the 2015 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Bruce, **HCR 5019** was adopted by voice vote.

#### REPORT ON ENROLLED BILLS

**SB 101, H Sub SB 91** reported correctly enrolled, properly signed and presented to the Governor on May 21, 2015.

#### TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of May 18 through May 22, 2015:

Senator Bowers: congratulating Shirley Comeau on being named the Rooks County Hospital Auxiliary Volunteer of the Year; recognizing James Bell on being named State Knight of the Year; congratulating the City of Glasco on receiving the City of Excellence Award; congratulating the Stockton High School Entomology Team on its state championship; congratulating Lane Nichols on receiving the Dekalb Agricultural Accomplishment Award; congratulating Joe PilsI on receiving the District Leader of the Year Award; congratulating Noah Easter on receiving the Youth of the Year Community Award; congratulating RJ Jackson on his Scholar Athlete Award; congratulating Shannon Ney on her FFA Degree;

Senator Fitzgerald: congratulating John Reichley on his 30 years in journalism;

Senator Haley: celebrating Bethesda Missionary Baptist Church and its 50<sup>th</sup> Church Anniversary;

Senator Ostmeyer: congratulating Hays High School on winning the 4A State Championship at the state journalism contest;

Senator Schmidt: congratulating Ethel Edwards on her retirement and commending her service to education in Kansas; and

Senators Wagle, Bruce, and Hensley: thanking Kendall Kaut for his service as Senate Reading Clerk.

On motion of Senator Bruce, the Senate adjourned until 11:00 a.m., Tuesday, May 26, 2015.

# Journal of the Senate

SEVENTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, May 26, 2015, 11:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 37 senators present.  
Senators Arpke, Masterson and Wilborn were excused.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, May we begin by saying thanks? Thanks for the days You gave us to get away. And as we stopped to remember, thanks for those who've made great sacrifices for us. Thanks for the hedge of protection, as You've given us safe travel. Thanks for allowing us to once again enter these chambers. And Lord, as we bear the burden of finishing the work, guide our efforts toward promising, hope filled outcomes. To illustrate the degree of promise that could come from one submitted to You, in Matthew 13:31-32 and Mark 4:31-32, You gave us the parable of a tiny mustard seed. In its presence, very small and outwardly not appearing very significant. But it carried within itself the potential to become large and productive, benefiting even the birds to find covering in its shade. Lord, as we seek Your guidance and submit to You, we may feel small, deficient and under-supplied for the tasks at hand. But remind us that individually and collectively as a team, like that mustard seed, we have within us the potential to so significantly bless Your people, that under the shade of this dome, they'll say they found protection. Lord, give these men and women that Matthew 17:20 mountain moving, mustard seed faith. And as this week progresses, let them experience mustard seed efficiency. In the name of Jesus, the Christ. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## COMMUNICATIONS FROM STATE OFFICERS

May 15, 2015

Deputy Commissioner of Education Dale M. Dennis submitted the Statewide Longitudinal Data System (SLDS) Report.

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

**ORIGINAL MOTION**

On motion of Senator Smith, the Senate acceded to the request of the House for a third conference on **SB 113**.

The President appointed Senators King, Smith and Haley as third conferees on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

**MESSAGES FROM THE GOVERNOR**

**SB 101** approved on May 22, 2015.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, May 27, 2015.

# Journal of the Senate

SEVENTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, May 27, 2015, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 38 senators present.  
Senators Arpke and Masterson were excused.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, We're closer now than when we started...closer than even a week ago. As the days of this session draw nigh, thank You for our progress. Through it all, Your overriding love, mercy and goodness have been with us. Let us not be like the lepers of old, in Luke, chapter 17. Ten were healed but only one returned to say thanks. Give us hearts of appreciation...of gratefulness for Your faithfulness throughout this session. Today, we're receiving afresh from Your gracious hand. Give us a renewed awareness of Your presence and a persistent gratitude for Your unwavering love. In 1972, You blessed us through Andre Crouch with a song entitled "My Tribute." And Lord, I believe those words even echo our hearts today: "How can I say thanks for the things You have done for me? Things so undeserved, yet you gave to prove Your love for me. The voices of a million angels could not express my gratitude. All that I am, and ever hope to be, I owe it all to Thee." All the glory, honor and praise belongs to You. In Jesus name. Amen

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

**SCR 1606**, A CONCURRENT RESOLUTION urging Congress to protect patients and families by enacting reforms to the patient protection and affordable care act, by Senators Pilcher-Cook, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Pyle, Smith, Tyson, Wagle and Wilborn.

## MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2003**.  
The House adopts the Conference Committee report on **HB 2364**.  
The House announced the appointment of Rep. Ballard to replace Rep. Henry as a conferee on **S Sub HB 2135**.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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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 Smith in the chair.

On motion of Senator Smith the following report was adopted:

**S Sub HB 2109** be amended by adoption of the committee amendments, be further amended by motion of Senator Donovan, on page 43, in line 32, by striking "79-3603" and inserting "79-3703".

Citing Rule 51 Senator Pyle moved to strike the enacting clause on **S Sub HB 2109**.

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

Upon the showing of five hands, a call of the Senate was requested.

On roll call, the vote was: Yeas 13; Nays 25; Present and Passing 0; Absent or Not Voting 2.

Yeas: Baumgardner, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Kelly, Knox, Melcher, Pettey, Pilcher-Cook, Pyle.

Nays: Abrams, Bowers, Bruce, Denning, Donovan, Francisco, Holmes, Kerschen, King, LaTurner, Longbine, Love, Lynn, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Arpke, Masterson.

The motion failed.

The call of the Senate was lifted.

**S Sub HB 2109** be further amended by motion of Senator Hensley, on page 38, in line 37, by striking "6.0%" and inserting "5.7%";

On page 40, in line 12, by striking "13.878%" and inserting "13.956%"; in line 14, by striking "6.0%" and inserting "5.7%"; in line 17, by striking "13.700%" and inserting "13.785%"; in line 19, by striking "6.0%" and inserting "5.7%"; in line 23, by striking "13.790%" and inserting "13.874%"; in line 24, by striking "6.0%" and inserting "5.7%";

On page 41, in line 39, by striking "6.0%" and inserting "5.7%";

On page 43, in line 20, by striking "13.878%" and inserting "13.956%"; in line 22, by striking "6.0%" and inserting "5.7%"; in line 25, by striking "13.700%" and inserting "13.785%"; in line 27, by striking "6.0%" and inserting "5.7%"; in line 31, by striking "13.790%" and inserting "13.874%"; in line 32, by striking "6.0%" and inserting "5.7%".

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

On roll call, the vote was: Yeas 27; Nays 10; Present and Passing 0; Absent or Not Voting 3.

Yeas: Baumgardner, Bowers, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, LaTurner, Longbine, Love, Lynn, McGinn, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Schmidt, Smith, Tyson, Wilborn, Wolf.

Nays: Abrams, Bruce, Denning, Donovan, Kerschen, King, Knox, Melcher, Ostmeyer, Wagle.

Absent or Not Voting: Arpke, Masterson, Powell.

**S Sub HB 2109** be further amended by motion of Senator Pettey, on page 44, by striking all in lines 40 through 43;

By striking all on pages 45 and 46;

On page 47, by striking all in lines 1 through 3; in line 8, by striking the comma and inserting "and"; also in line 8, by striking "and 79-5105";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, by striking "personal property"; by striking all in line 6; in line 7, by striking all before "amending"; in line 11, by striking the third comma and inserting "and"; also in line 11, by striking "and 79-5105".

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

On roll call, the vote was: Yeas 27; Nays 5; Present and Passing 6; Absent or Not Voting 2.

Yeas: Abrams, Baumgardner, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, Knox, LaTurner, Love, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pyle, Schmidt, Tyson, Wilborn, Wolf.

Nays: Bruce, Donovan, Melcher, Powell, Smith.

Present and Passing: Bowers, Holmes, Longbine, Lynn, Pilcher-Cook, Wagle.

Absent or Not Voting: Arpke, Masterson.

**S Sub HB 2109** be further amended by motion of Senator Hensley, on page 40, in line 12, by striking "13.878%" and inserting "16.375%"; in line 17, following "2016," by inserting "and thereafter,"; also in line 17, by striking "13.700%" and inserting "16.315%"; by striking all in lines 22 through 26;

On page 43, in line 20, by striking "13.878%" and inserting "16.375%"; in line 25, following "2016," by inserting "and thereafter,"; also in line 25, by striking "13.700%" and inserting "16.315%"; by striking all in lines 30 through 34.

**S Sub HB 2109** be further amended by motion of Senator Francisco, on page 3, in line 22, after "thereto" by inserting ", for persons who are employed in Kansas"; in line 24, after "thereto" by inserting ", for persons who are employed in Kansas".

**S Sub HB 2109** be further amended by motion of Senator Abrams, on page 16, in line 33, by striking "\$1.29" and inserting "\$.97"; in line 34, by striking "\$1.61" and inserting "\$1.21";

On page 17, in line 4, by striking "\$.50" and inserting "\$.18"; in line 5, by striking "\$.62" and inserting "\$.22"; in line 6, by striking "\$.50 or \$.62" and inserting "\$.18 or \$.22"; in line 41, by striking "0.55%" and inserting "0.65%";

On page 19, in line 12, by striking "0.55%" and inserting "0.65%"; in line 19, by striking "0.55%" and inserting "0.65%";

On page 47, following line 3, by inserting:

"New Sec. 23. There is hereby established in the state treasury the tobacco cessation fund which shall be administered by the university of Kansas medical center. All expenditures from the tobacco cessation fund shall be for promoting the cessation of tobacco usage. All expenditures from the tobacco cessation 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 vice-chancellor of the university of Kansas medical center or the designee of the vice-chancellor.

All moneys received by K.S.A. 79-3387(c), 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 tobacco cessation fund.

Sec. 24. K.S.A. 2014 Supp. 79-3387 is hereby amended to read as follows: 79-3387. (a) Except as otherwise provided, all revenue collected or received by the director from 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 to the credit of the state general fund.

(b) All moneys received from license fees imposed by this act shall be collected by the director and 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 cigarette and tobacco products regulation fund created by K.S.A. 79-3391, and amendments thereto.

(c) On July 1, 2015, and thereafter, all revenue collected or received from taxes imposed by K.S.A. 79-3310, 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 and credit the first \$10,000,000 to the tobacco cessation fund. Of the balance which remains after deduction of the amount in this subsection, the state treasurer shall deposit and credit the remainder in the state treasury to the credit of the state general fund.;

Also on page 47, in line 5, after "79-3312," by inserting "79-3387,";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after "levy;" by inserting "creating the tobacco cessation fund;"; in line 9, after "79-3312," by inserting "79-3387,".

The motion to recommend **S Sub HB 2109** as amended, favorably for passage failed.

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

On roll call, the vote was: Yeas 1; Nays 30; Present and Passing 7; Absent or Not Voting 2.

Yeas: Donovan.

Nays: Abrams, Baumgardner, Bowers, Bruce, Denning, Fitzgerald, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Kelly, Pettay.

Absent or Not Voting: Arpke, Masterson.

Having voted on the prevailing side, Senator Pyle moved to reconsider the previous action. The motion failed.

**S Sub HB 2109** retains a place on the calendar.

A motion by Senator Hensley to amend **S Sub HB 2109** failed and the following amendment was rejected, on page 33, in line 38, by striking "6.5%" and inserting "5.7%";

On page 38, in line 32, before "(w)" by inserting "and"; in line 35, by striking all after "section"; by striking all in line 36; in line 37, by striking all before the second period;

On page 40, in line 12, by striking "13.878%" and inserting "13.902%"; in line 14, by striking "rates of 6.5% and 6.0%" and inserting "rate of 5.7%"; in line 17, by striking "13.700%" and inserting "13.480%"; in line 19, by striking "rates of 6.50% and 6.0%" and inserting "rate of 5.7%"; in line 23, by striking "13.790%" and inserting "13.376%";

in line 24, by striking "rates of 6.5% and 6.0%" and inserting "rate of 5.7%";

On page 41, in line 38, by striking all after "of"; by striking all in line 39; in line 40, by striking all before the period and inserting "5.7%";

On page 43, in line 20, by striking "13.878%" and inserting "13.902%"; in line 22, by striking "rates of 6.5% and 6.0%" and inserting "rate of 5.7%"; in line 25, by striking "13.700%" and inserting "13.480%"; in line 27, by striking "rates of 6.5% and 6.0%" and inserting "rate of 5.7%"; in line 31, by striking "13.790%" and inserting "13.376%"; in line 32, by striking "rates of 6.5% and 6.0%" and inserting "rate of 5.7%";

On page 1, in the title, in line 3, by striking ", food".

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

On roll call, the vote was: Yeas 16; Nays 20; Present and Passing 2; Absent or Not Voting 2.

Yeas: Baumgardner, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, O'Donnell, Petersen, Pettey, Pyle, Tyson, Wolf.

Nays: Abrams, Bowers, Bruce, Denning, Donovan, Holmes, Kerschen, King, Knox, Longbine, Love, Lynn, Melcher, Olson, Ostmeyer, Pilcher-Cook, Powell, Smith, Wagle, Wilborn.

Present and Passing: McGinn, Schmidt.

Absent or Not Voting: Arpke, Masterson.

A motion by Senator O'Donnell to amend **S Sub HB 2109** failed and the following amendment was rejected, on page 4, in line 25, after the second comma by inserting "and section 23, and amendments thereto,";

On page 5, in line 4, by striking "year" and inserting "years"; also in line 4, by striking "and all tax years thereafter" and inserting "2016 and 2017";

Also on page 5, following line 23, by inserting:

"(E) For tax year 2018:

If the taxable income is:	The tax is:
Not over \$30,000.....	2.4% of Kansas taxable income
Over \$30,000.....	\$720 plus 4.6% of excess over \$30,000

(F) For tax year 2019:

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 2020, 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 5, in line 42, by striking "year" and inserting "years"; also in line 42, by striking "and all tax years thereafter" and inserting "2016 and 2017";

On page 6, following line 18, by inserting:

"(E) For tax year 2018:

If the taxable income is:	The tax is:
Not over \$15,000.....	2.4% of Kansas taxable income

Over \$15,000.....\$360 plus 4.6% of excess over  
\$15,000

(F) For tax year 2019:

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 2020, 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 9, in line 30, by striking "2016" and inserting "2017";

On page 10, in line 5, by striking "2016" and inserting "2017"; in line 13, by striking "2016" and inserting "2017"; in line 20, by striking "2016" and inserting "2017"; in line 26, by striking "2016" and inserting "2017";

On page 12, in line 36, by striking "2016" and inserting "2017";

On page 13, in line 43, by striking "2016" and inserting "2017";

On page 14, in line 33, by striking "2016" and inserting "2017";

On page 47, following line 3, by inserting:

"New Sec. 23. (a) As used in this section:

(1) "Business entity" means a limited liability company, S corporation, partnership, association, sole proprietorship, joint venture or other similar form of business organization. The term "business entity" shall not include any business organization subject to the income tax on corporations under K.S.A. 79-32,110(c), and amendments thereto, the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto;

(2) "qualified income" means:

(A) 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;

(B) 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

(C) 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; and

(3) "qualified loss" means:

(A) Net 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;

(B) net loss 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

(C) net 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.

(b) For tax years 2015, 2016 and 2017, any individual who has an ownership interest in a business entity shall be eligible for the lowest marginal individual income tax rate applicable under K.S.A. 79-32,110, and amendments thereto, with respect to qualified income received from such business. Any qualified income of the individual received from a business entity shall be taxed at the lowest rate for resident individuals pursuant to, and computed in accordance with, the tax schedules listed in K.S.A. 79-32,110, and amendments thereto. Remaining income of the individual shall be taxed pursuant to, and computed in accordance with, the tax schedules listed in K.S.A. 79-32,110, and amendments thereto, without regard to the provisions of this section.

(c) The director of taxation shall not assess any penalties or interest arising from the underpayment of taxes under this section which occurs before April 15, 2016.

(d) The secretary of revenue shall adopt all necessary rules and regulations to implement and administer the provisions of this section.

Sec. 24. K.S.A. 2014 Supp. 79-32,269 is hereby amended to read as follows: 79-32,269. (a) (1) Except as provided in subsection (a)(2), commencing with fiscal year ~~2018~~ 2020, 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.";

Also on page 47, in line 5, after "79-32,120," by inserting "79-32,269,";

And by renumbering sections accordingly;

On page 1, in the title, in line 8, after "79-32,120," by inserting "79-32,269,"

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

On roll call, the vote was: Yeas 0; Nays 32; Present and Passing 6; Absent or Not Voting 2.

Nays: Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Francisco, Haley, Hawk, Hensley, Kelly, Pettey.

Absent or Not Voting: Arpke, Masterson.

Motions by Senators Pettey and Schmidt to amend **S Sub HB 2109** were withdrawn.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, May 28, 2015.

# Journal of the Senate

SEVENTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, May 28, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 38 senators present.  
Senators Arpke and Masterson were excused.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, As we open in prayer today, open our hearts. Would You speak to each of us today, and turn ALL of our hearts toward You? As we pause for these few moments, as it says in Matthew 6:6, help us enter our individual prayer closets. Help us to momentarily close out all other concerns, that we may hear Your still small voice. Help us to avoid the pretense of prayer. Let bowed heads be true reflections of humble hearts. Let these few moments of prayer tune us in to Your frequency. Lord, speak to the depths of our need today. Deeply engage us Lord, that we may lock in to Your wisdom, in all our levels of involvement. By Your Spirit, speak to us individually and personally, but also collectively. Lord, bring us together, united around the issues, in humble submission to You, with love and respect for one another. Cancel in us any issues of pride and move us to do Your will...to do Your will Your way. In 1 Thessalonians 5:17, You said we should always pray...without ceasing. So, Lord, help us keep our antennas extended, always seeking a signal from You. Thank You for the blessed privilege of prayer. In Jesus name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was referred to Committee as follows:

Committee of the Whole: **SCR 1606**.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

## MESSAGES FROM THE GOVERNOR

**H Sub SB 91** approved on May 28, 2015.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators O'Donnell, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1752—

A RESOLUTION congratulating and commending Andy Tompkins  
for his many years of service to the people of Kansas.

WHEREAS, Andy Tompkins became President and CEO of the Kansas Board of Regents on June 1, 2010. The Kansas Board of Regents is the governing board of the state's six universities and the statewide coordinating board for the state's 32 public higher education institutions (seven public universities, 19 community colleges and six technical colleges). In addition, the Board administers the state's student financial aid, adult education, GED and career and technical education programs. The Board also authorizes private proprietary schools and out-of-state institutions to operate in Kansas, and administers the KAN-ED network, a statewide network that provides broadband internet access and distance learning capabilities for schools, hospitals and libraries; and

WHEREAS, Dr. Tompkins previously served as the Dean of the College of Education, and as Associate Professor in the Department of Special Services and Leadership Studies at Pittsburg State University (PSU). From 2005 to 2007, he served as an Associate Professor in the Department of Education Leadership and Policy Studies at the University of Kansas; and

WHEREAS, Dr. Tompkins served as the Kansas State Department of Education's Commissioner of Education from 1996 through 2005. Throughout his career he has held various positions in K-12 and higher education serving as a high school teacher, principal, superintendent, university associate professor, department chair and college dean; and

WHEREAS, Dr. Tompkins earned his undergraduate degree in English at East Central State University in Ada, Oklahoma. He earned his master's degree from Emporia State University and his doctorate from the University of Kansas in Educational Administration; and

WHEREAS, Dr. Tompkins has earned numerous honors, including distinguished alumni and service awards from Emporia State University and the University of Kansas. He was inducted into the Kansas Teacher's Hall of Fame in 2001, was recognized as a Master Teacher in 1999 and was awarded the leadership Kansas Alumnus of the Year Award in 2002; and

WHEREAS, Dr. Tompkins and his wife, Glenda, live in Topeka. They have two children, Kyle and Amanda: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate, commend and thank Andy Tompkins for his long and successful career serving the people of Kansas. We wish him all the best in his retirement; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of

this resolution to Andy Tompkins.

On emergency motion of Senator Schmidt **SR 1752** was adopted by voice vote.

Senators honored Dr. Tompkins with a standing ovation.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2223** 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 12, after "venue" by inserting a comma; in line 33, after "(e)" by inserting "(1) A public venue, club or drinking establishment may offer customer self-service of wine from automated devices on licensed premises so long as the licensee monitors and has the ability to control the dispensing of such wine from the automated devices.

(2) The secretary may adopt rules and regulations as necessary to implement the provisions of this subsection.

(f)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 18, in line 40, after "event" by inserting "or catered event"; in line 43, after the first "event" by inserting "or when the caterer's licensee has provided the required notification pursuant to K.S.A. 41-2643, and amendments thereto"; also in line 43, by striking "Such" and inserting "Any";

On page 19, in line 4, by striking "such"; also in line 4, after "event" by inserting "or catered event"; in line 7, after "township" by inserting ", or the boundaries of the catered event"; also in line 7, by striking "such" and inserting "a"; in line 34, by striking "or"; in line 37, after "thereto" by inserting "; or

(6) on the premises of an unlicensed business as authorized pursuant to subsection (i)";

On page 21, following line 2, by inserting:

"(12) On the premises of the state capitol building or on its surrounding premises during an official state function of a nonpartisan nature that has been approved by the legislative coordinating council.";

Also on page 21, in line 25, after "(i)" by inserting "(1) An unlicensed business may authorize patrons or guests of such business to consume alcoholic liquor on the premises of such business provided:

(A) Such alcoholic liquor is in the personal possession of the patron and is not sold, offered for sale or given away by the owner of such business or any employees thereof;

(B) possession and consumption of alcoholic liquor shall not be authorized between the hours of 12 a.m. and 9 a.m.;

(C) the business, or any owner thereof, shall not have had a license issued under either the Kansas liquor control act or the club and drinking establishment act revoked for any reason; and

(D) no charge of any sort may be made by the business for the privilege of possessing or consuming alcoholic liquor on the premises, or for mere entry onto the premises.

(2) It shall be a violation of this section for any unlicensed business to authorize the possession or consumption of alcoholic liquor by a patron of such business when such authorization is not in accordance with the provisions of this subsection.

(3) For the purposes of this subsection, "patron" means a natural person who is a customer or guest of an unlicensed business.

(j)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 28, following line 3, by inserting:

"New Sec. 25. (a) Any person engaged in business as a vineyard with not less than 100 vines may apply to the director for an annual vineyard permit.

(b) A vineyard permit shall authorize the sale in the original, unopened container and the serving by the drink of wine on the premises specified in the permit. A vineyard permit also shall authorize the permit holder to conduct wine tastings in accordance with K.S.A. 2014 Supp. 41-308d, and amendments thereto, on the premises specified in the permit. All wine sold or served by the permit holder shall be produced, in whole or in part, using grapes grown by the permit holder and shall be manufactured by a farm winery.

(c) Any wine not consumed on the premises shall be disposed of by the permit holder or, prior to its removal from the property, securely resealed and placed in a tamper-proof, transparent bag which is sealed in a manner that makes it visibly apparent if the bag is subsequently opened.

(d) Permits issued under this section shall be valid for one year from the date of issuance.

(e) The annual fee for a vineyard permit shall be \$100.

(f) The secretary may adopt rules and regulations as necessary to implement the provisions of this section.

(g) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 26. K.S.A. 41-2643 is hereby amended to read as follows: 41-2643. (a) A caterer's license shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, which may be open to the public, 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 caterer shall be required to derive from sales of food at catered events not less than 30% of the caterer's gross receipts from all sales of food and beverages at catered events in a 12-month period unless the caterer offers for sale, sells and serves alcoholic liquor only in counties 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) Each caterer shall maintain the caterer's principal place of business in a county in this state where the caterer is authorized by this section to sell alcoholic liquor by the individual drink in a public place. All records of the caterer relating to the caterer's licensed business and the caterer's license shall be kept at such place of business. The caterer's principal place of business shall be stated in the application for a caterer's license and the caterer shall notify the director of any change in its location within 10 days after such change.

~~(d) A caterer shall notify the director at least 10 days prior to any event at which the caterer will sell alcoholic liquor by the individual drink unless the director waives the 10-day requirement for good cause shown. In addition, prior to the event, the caterer shall notify:~~

~~(1) The police chief of the city where the event will take place, if the event will take place within the corporate limits of a city; or~~

~~(2) the county sheriff of the county where the event will take place, if the event will be outside the corporate limits of any city. Except as otherwise provided herein, a caterer shall provide electronic notification to the director at least 48 hours prior to any event at which the caterer will sell alcoholic liquor by the individual drink. The director shall make the electronic notification available to local law enforcement. Notice shall consist of the time, location and the names of the contracting parties of the event. For events where alcohol is served, a licensee shall retain all documents for a period of three years for inspection by the director. The documents retained shall include agreements, receipts, employees assigned to the event and records of alcohol purchased. Notification shall not be required for weddings, funerals, events sponsored by religious institutions, or for business, industry or trade sponsored meetings, including, but not limited to, awards presentations and retirement celebrations.~~

(e) A caterer may rebate a portion of the caterer's receipts from the sale of alcoholic liquor at an event to the person or organization contracting with the caterer to sell alcoholic liquor at such event.

Sec. 27. K.S.A. 2014 Supp. 41-710 is hereby amended to read as follows: 41-710.

(a) No retailer's license shall be issued for premises unless such premises comply with all applicable zoning regulations.

(b) No microbrewery license, microdistillery license or farm winery license shall be issued for premises which are zoned for any purpose except agricultural, commercial or business purposes.

(c) No retailer's, microbrewery, microdistillery or farm winery license shall be issued for premises which:

(1) Are located within 200 feet of any public or parochial school or college or church, except that if any such school, college or church is established within 200 feet of any licensed premises after the premises have been licensed, the premises shall be an eligible location for retail licensing; or

(2) do not conform to all applicable building regulations.

(d) Any city, by ordinance, may allow a retailer, microbrewery, microdistillery or farm winery to be located within a core commercial district as defined by K.S.A. 2014

Supp. 12-17,122, and amendments thereto, which does not meet the distance requirements established by subsection (c)(1).

Sec. 28. K.S.A. 2014 Supp. 41-2645 is hereby amended to read as follows: 41-2645. (a) A temporary permit shall allow the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, which may be open to the public, subject to the terms of such permit.

(b) The director may issue a temporary permit to any one or more persons or organizations applying for such a permit, in accordance with rules and regulations of the secretary. The permit shall be issued in the names of the persons or organizations to which it is issued.

(c) Applications for temporary permits shall be required to be filed with the director not less than 14 days before the event for which the permit is sought unless the director waives such requirement for good cause. Each application shall state the purposes for which the proceeds of the event will be used. The application shall be upon a form prescribed and furnished by the director and shall be filed with the director in duplicate. Each application shall be accompanied by a permit fee of \$25 for each day for which the permit is issued, which fee shall be paid by a certified or cashier's check of a bank within this state, United States post office money order or cash in the full amount thereof. All permit fees collected by the director 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. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) Temporary permits shall specify the premises for which they are issued and shall be issued only for premises where the city, county or township zoning code allows use for which the permit is issued. No temporary permit shall be issued for premises which are not located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, to adopt the proposition amending 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 the sale of 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.

(e) (1) A temporary permit may be issued for the consumption of alcoholic liquor on a city, county or township street, alley, road, sidewalk or highway for a special event; provided, that such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the governing body of such city, county or township for such special event, a written request for such consumption and possession of such alcoholic liquor has been made to the local governing body and the special event is approved by the governing body of such city, county or township by ordinance or resolution. 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.

(2) Drinking establishments that are immediately adjacent to, or located within the licensed premises of a special event, for which a temporary permit has been issued and the consumption of alcoholic liquor on public property has been approved, may request

that the drinking establishment's licensed premises be extended into and made a part of the licensed premises of the special event for the duration of the temporary permit issued for such special event.

(3) Each licensee selling alcoholic liquor for consumption on the premises of a special event for which a temporary permit has been issued shall be liable for violations of all laws governing the sale and consumption of alcoholic liquor.

(4) For the purposes of this section, "special event" shall have the same meaning given that term in K.S.A. 41-719, and amendments thereto.

(f) (1) Except as otherwise provided in this subsection, a temporary permit shall be issued for a period of time not to exceed three consecutive days, the dates and hours of which shall be specified in the permit. Not more than four temporary permits may be issued to any one applicant in a calendar year.

(2)(A) On or before June 30, 2016, the director may issue one temporary permit, valid for the entire period of time of the Kansas state fair, which authorizes the sale of wine in its original, unopened container and the serving by the drink of only wine or beer, or both, on the state fairgrounds on premises specified in the temporary permit, by a person who has entered into an agreement with the state fair board for that purpose;

(B) On and after July 1, 2016, the director may issue a sufficient number of temporary permits as required by the state fair board, valid for the entire period of time of the Kansas state fair, which authorizes the sale of wine in its original, unopened container and the serving by the drink of wine or beer, or both, on the state fairgrounds on premises specified in the temporary permit, by a person who has entered into an agreement with the state fair board for that purpose subject to the conditions imposed by the state fair board. Nothing in this subsection (f)(2)(B) shall be construed to limit the number of temporary permits the director may issue for the sale of wine or beer, or both, on the state fairgrounds consistent with the requirements of the state fair board.

(3) The director may issue a temporary permit for a special event approved by the governing body of a city, county or township pursuant to subsection (e)(1), which may, at the director's discretion, be valid for the entire period of such special event, but in no event shall such permit be issued for a period of time that exceeds 30 consecutive days.

(g) All proceeds from an event for which a temporary permit is issued shall be used only for the purposes stated in the application for such permit.

(h) Upon written permission from the director and within three business days after the end of an event conducted pursuant to a temporary permit, the holder of a temporary permit may sell back to the licensee from whom alcoholic liquor was purchased any alcoholic liquor sold to the holder of the temporary permit for such event.

(i) A temporary permit shall not be transferable or assignable.

(j) The director may refuse to issue a temporary permit to any person or organization which has violated any provision of the Kansas liquor control act, the drinking establishment act or K.S.A. 79-41a01 et seq., and amendments thereto.

Sec. 29. K.S.A. 2014 Supp. 41-351 is hereby amended to read as follows: 41-351.

(a) Notwithstanding any other provisions of the Kansas liquor control act, the club and drinking establishment act or the Kansas cereal malt beverage act, any person who is licensed to sell wine pursuant to K.S.A. 41-308a, and amendments thereto, may apply to the director for an annual ~~bona fide~~ farmers' market sales permit. Such permit shall authorize the licensee, a member of the licensee's family or an employee of the licensee to sell wine in the original unopened container produced and bottled by the licensee at a

~~bona fide farmers' market located at a site approved by the director markets.~~

(b) ~~An application submitted pursuant to this section shall be accompanied by an application fee of \$25. Permits issued under this section shall be valid for one year from the date of issuance. A licensee shall not hold more than one bona fide farmers' market sales permit at any one time.~~

(c) ~~The licensee may only sell wine at a single bona fide farmers' market on one day of the week. The location locations of the bona fide farmers' market markets at which wine shall be sold shall be specified in the application submitted to the director. If the licensee elects to sell wine at a farmers' market, the location of which was not reported to the director in the application, such licensee shall notify the director of the location before any wine may be sold at that location. The director shall notify the city, county and applicable law enforcement agency where the bona fide farmers' market is markets are to be held and of the issuance of a permit under this section for the sale of wine at such bona fide farmers' market markets.~~

(d) For the purposes of this section, "bona fide farmers' market" means any ~~location held out to be a farmers' market that is subject to inspection by the department of agriculture~~ common facility or area where producers or growers gather on a regular, recurring basis to sell fruits, vegetables, meats and other farm products directly to consumers.

(e) The secretary may adopt rules and regulations as necessary to implement the provisions of this section.

(f) This section shall be a part of and supplemental to the Kansas liquor control act.;"

Also on page 28, in line 4, by striking "and" and inserting a comma; in line 5, after "2633a" by inserting "and 41-2643"; in line 6, after "41-328," by inserting "41-351, 41-710,;" also in line 6, by striking "and" and inserting a comma; also in line 6, after "41-2640" by inserting "and 41-2645";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the dispensing of"; in line 2, by striking the first "and" and inserting a comma; also in line 2, after "41-2633a" by inserting "and 41-2643"; in line 4, after "41-328," by inserting "41-351, 41-710,;" also in line 4, by striking the first "and" and inserting a comma; also in line 4, after "41-2640" by inserting "and 41-2645";

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

RALPH OSTMEYER  
JACOB LATURNER  
OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

STEVEN BRUNK  
TRAVIS COUTURE-LOVELADY  
ANNIE TIETZE

*Conferees on part of House*

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **HB 2223**.

On roll call, the vote was: Yeas 30; Nays 6; Present and Passing 1; Absent or Not Voting 3.

Yeas: Abrams, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Holmes, Kelly, King, LaTurner, Longbine, Love, Lynn, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Hensley, Knox, Pyle, Schmidt, Tyson.

Present and Passing: Holland.

Absent or Not Voting: Arpke, Kerschen, Masterson.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2352** 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 6, in line 24, before "K.S.A" by inserting "On January 1, 2016,"; in line 33, by striking "individual or small group"; in line 34, before "health" by inserting "individual or group";

On page 12, following line 43, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 40-3118 is hereby amended to read as follows: 40-3118. (a) No motor vehicle shall be registered or reregistered in this state unless the owner, at the time of registration, has in effect a policy of motor vehicle liability insurance covering such motor vehicle, as provided in this act, or is a self-insurer thereof, or the motor vehicle is used as a driver training motor vehicle, as defined in K.S.A. 72-5015, and amendments thereto, in an approved driver training course by a school district or an accredited nonpublic school under an agreement with a motor vehicle dealer, and such policy of motor vehicle liability insurance is provided by the school district or accredited nonpublic school. As used in this section, the term "financial security" means such policy or self-insurance. The director shall require that the owner certify and provide verification of financial security, in the manner prescribed by K.S.A. 8-173, and amendments thereto, that the owner has such financial security, and the owner of each motor vehicle registered in this state shall maintain financial security continuously throughout the period of registration. In addition, when an owner certifies that such financial security is a motor vehicle liability insurance policy meeting the requirements of this act, the director may require that the owner or owner's insurance company produce records to prove the fact that such insurance was in effect at the time the vehicle was registered and has been maintained continuously from that date. Such records may be produced by displaying such records on a cellular phone or any other type of portable electronic device. Any person to whom such records are displayed on such cellular phone or other type of portable electronic device shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. Failure to produce such records shall be prima facie evidence that no financial security exists with regard to the vehicle concerned. It shall be the duty of insurance companies, upon the request of the director, to notify the director within 30 calendar days of the date of the receipt of such request by the director of any insurance that was not in effect on the date of registration and maintained continuously from that date.

(b) Except as otherwise provided in K.S.A. 40-276, 40-276a and 40-277, and amendments thereto, and except for termination of insurance resulting from nonpayment of premium or upon the request for cancellation by the insured, no motor vehicle liability insurance policy, or any renewal thereof, shall be terminated by cancellation or failure to renew by the insurer until at least 30 days after mailing a notice of termination, by certified or registered mail ~~or~~ United States post office certificate of mailing, or any other mail tracking method currently used, approved or accepted by the United States postal service to the named insured at the latest address filed with the insurer by or on behalf of the insured. Time of the effective date and hour of termination stated in the notice shall become the end of the policy period. Every such notice of termination sent to the insured for any cause whatsoever shall include on the face of the notice a statement that financial security for every motor vehicle covered by the policy is required to be maintained continuously throughout the registration period, that the operation of any such motor vehicle without maintaining continuous financial security therefor is a class B misdemeanor and shall be subject to a fine of not less than \$300 and not more than \$1,000 and that the registration for any such motor vehicle for which continuous financial security is not provided is subject to suspension and the driver's license of the owner thereof is subject to suspension.

(c) The director of vehicles shall verify a sufficient number of insurance certifications each calendar year as the director deems necessary to insure compliance with the provisions of this act. The owner or owner's insurance company shall verify the accuracy of any owner's certification upon request, as provided in subsection (a).

(d) (1) In addition to any other requirements of this act, the director shall require a person to acquire insurance and for such person's insurance company to maintain on file with the division evidence of such insurance for a period of one year when a person has been convicted in this or another state of any of the violations enumerated in K.S.A. 8-285, and amendments thereto.

(2) The director shall also require any driver whose driving privileges have been suspended pursuant to this section to maintain such evidence of insurance as required above.

(3) The company of the insured shall immediately mail notice to the director whenever any policy required by this subsection to be on file with the division is terminated by the insured or the insurer for any reason. The receipt by the director of such termination shall be prima facie evidence that no financial security exists with regard to the person concerned.

(4) No cancellation notice shall be sent to the director if the insured adds or deletes a vehicle, adds or deletes a driver, renews a policy or is issued a new policy by the same company. No cancellation notice shall be sent to the director prior to the date the policy is terminated if the company allows a grace period for payment until such grace period has expired and the policy is actually terminated.

(5) For the purposes of this act, the term "conviction" includes pleading guilty or nolo contendere, being convicted or being found guilty of any violation enumerated in this subsection without regard to whether sentence was suspended or probation granted. A forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

(6) The requirements of this subsection shall apply whether or not such person owns a motor vehicle.

(e) Whenever the director shall receive prima facie evidence, as prescribed by this section, that continuous financial security covering any motor vehicle registered in this state is not in effect, the director shall notify the owner by registered or certified mail or United States post office certificate of mailing that, at the end of 30 days after the notice is mailed, the registration for such motor vehicle and the driving privileges of the owner of the vehicle shall be suspended or revoked, pursuant to such rules and regulations as the secretary of revenue shall adopt, unless within 10 days after the notice is mailed: (1) Such owner shall demonstrate proof of continuous financial security covering such vehicle to the satisfaction of the director. Such proof of continuous financial security may be provided by the owner by displaying such proof on a cellular phone or other portable electronic device; or (2) such owner shall mail a written request which is postmarked within 10 days after the notice is mailed requesting a hearing with the director. Any person to whom such proof of continuous financial security is displayed on a cellular phone or other portable electronic device shall view only such evidence of continuous financial security. Such person shall be prohibited from viewing any other content or information stored on such cellular phone or other portable electronic device. Upon receipt of a timely request for a hearing, the director shall afford such person an opportunity for hearing within the time and in the manner provided in K.S.A. 8-255, and amendments thereto. If, within the ten-day period or at the hearing, such owner is unable to demonstrate proof of continuous financial security covering the motor vehicle in question, the director shall revoke the registration of such motor vehicle and suspend the driving privileges of the owner of the vehicle.

(f) Whenever the registration of a motor vehicle or the driving privileges of the owner of the vehicle are suspended or revoked for failure of the owner to maintain continuous financial security, such suspension or revocation shall remain in effect until satisfactory proof of insurance has been filed with the director as required by subsection (d) and a reinstatement fee in the amount herein prescribed is paid to the division of vehicles. Such reinstatement fee shall be in the amount of \$100 except that if the registration of a motor vehicle of any owner is revoked within one year following a prior revocation of the registration of a motor vehicle of such owner under the provisions of this act such fee shall be in the amount of \$300. The division of vehicles shall remit such fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state highway fund.

(g) In no case shall any motor vehicle, the registration of which has been revoked for failure to have continuous financial security, be reregistered in the name of the owner thereof, the owner's spouse, parent or child or any member of the same household, until the owner complies with subsection (f). In the event the registration plate has expired, no new plate shall be issued until the motor vehicle owner complies with the reinstatement requirements as required by this act.

(h) Evidence that an owner of a motor vehicle, registered or required to be registered in this state, has operated or permitted such motor vehicle to be operated in this state without having in force and effect the financial security required by this act for such vehicle, together with proof of records of the division of vehicles indicating that the owner did not have such financial security, shall be prima facie evidence that the owner did at the time and place alleged, operate or permit such motor vehicle to be

operated without having in full force and effect financial security required by the provisions of this act.

(i) Any owner of a motor vehicle registered or required to be registered in this state who shall make a false certification concerning financial security for the operation of such motor vehicle as required by this act, shall be guilty of a class A misdemeanor. Any person, firm or corporation giving false information to the director concerning another's financial security for the operation of a motor vehicle registered or required to be registered in this state, knowing or having reason to believe that such information is false, shall be guilty of a class A misdemeanor.

(j) The director shall administer and enforce the provisions of this act relating to the registration of motor vehicles, and the secretary of revenue shall adopt such rules and regulations as may be necessary for its administration.

(k) Whenever any person has made application for insurance coverage and such applicant has submitted payment or partial payment with such application, the insurance company, if payment accompanied the application and if insurance coverage is denied, shall refund the unearned portion of the payment to the applicant or agent. Such refund may:

- (1) Accompany the notice of denial of coverage; or
- (2) be separately returned in not more than 10 days from the date of such notice.

If payment did not accompany the application to the insurance company but was made to the agent, the agent shall refund the unearned portion of the payment to the applicant upon receipt of the company's notice of denial.

(l) For the purpose of this act, "declination of insurance coverage" means a final denial, in whole or in part, by an insurance company or agent of requested insurance coverage.

Sec. 3. K.S.A. 2014 Supp. 40-223 is hereby amended to read as follows: 40-223. (a) (1) Except as provided in K.S.A. 40-110 and 40-253, and amendments thereto, any person who makes any examination under the provisions of this act may receive, as full compensation for such person's services, on a per diem basis an amount fixed by the commissioner, which shall not exceed the amount recommended by the national association of insurance commissioners, for such time necessarily and actually occupied in going to and returning from the place of such examination and for such time the examiner is necessarily and actually engaged in making such examination including any day within the regular workweek when the examiner would have been so engaged had the company or society been open for business, together with such necessary and actual expenses for traveling and subsistence as the examiner shall incur because of the performance of such services.

(2) For the purposes of this act, "necessary and actual expenses" shall be limited, whether for travel within the state or travel outside the state, to those limitations expressed in K.S.A. 75-3207, and amendments thereto, which pertain to official travel outside the state. The daily charge shall be calculated by dividing the amount the examiner is authorized by the commissioner of insurance to charge per week by the number of days in the regular workweek of the company or society being examined.

(b) (1) All of such compensation, expenses, the employer's share of the federal insurance contributions act taxes, the employer's contribution to the Kansas public employees retirement system as provided in K.S.A. 74-4920, and amendments thereto, the self-insurance assessment for the ~~workmen's~~ workers compensation act as provided

in K.S.A. 44-576, and amendments thereto, the employer's cost of the state health care benefits program under K.S.A. 75-6507, and amendments thereto, a pro rata amount determined by the commissioner to provide vacation and sick leave for the examiner not to exceed the number of days allowed state officers and employees in the classified service pursuant to regulations promulgated in accordance with the Kansas civil service act, all outside consulting and data processing fees necessary to perform any examination, and a pro rata amount determined by the commissioner not to exceed an annual aggregate of \$18,000 to fund the purchase, maintenance and enhancement of examination equipment and computer software shall be paid to the commissioner of insurance by the insurance company or society so examined, on demand of the commissioner.

(2) The amount paid for all outside consulting and data processing fees necessary to perform any financial examination at any one company or society, including examination of such company's or society's subsidiaries or any combination thereof, and the pro rata amount to fund the purchase of examination equipment and computer software shall not collectively total more than:

(A) \$50,000 for any insurance company or society which has less than \$200,000,000 in gross premiums, both direct and assumed, in the preceding calendar year; or

(B) ~~\$100,000~~—\$500,000 for any insurance company or society which has \$200,000,000 or more in gross premiums, both direct and assumed, in the preceding calendar year.

(3) The amount paid for all outside consulting and data processing fees necessary to perform any market regulation examination at any one company or society, including examination of such company's or society's subsidiaries, or any combination thereof, and the pro rata amount to fund the purchase of examination equipment and computer software shall not collectively total more than \$25,000.

(c) Such demand shall be accompanied by the sworn statement of the person making such examination, setting forth in separate items the number of days necessarily and actually occupied in going to and returning from the place of such examination, the number of days the examiners were necessarily and actually engaged in making such examination including those days within the regular workweek while the examination was in progress and the company or society had closed for business, and the necessary and actual expenses for traveling and subsistence, incurred in and on account of such services.

(d) A duplicate of every such sworn statement shall be kept on file in the office of the commissioner of insurance. All moneys so paid to the commissioner of insurance 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 insurance company examination fund. The state treasurer shall issue duplicate receipts therefor, one to be delivered to the commissioner of insurance and the other to be filed with the director of accounts and reports.

Sec. 4. K.S.A. 40-2127 is hereby amended to read as follows: 40-2127. (a) Not later than July 1, 1993, and July 1 of each succeeding year, the board shall submit an audited financial report for the plan for the preceding calendar year to the commissioner in a form provided or prescribed by the commissioner.

(b) The financial status of the plan shall be subject to examination by the commissioner or the commissioner's designee. Such examination shall be conducted at least once every ~~three~~ five years ~~beginning January 1, 1995~~. The commissioner shall transmit a copy of the results of such examination to the legislature by February 1 of the year following the year in which the examination is conducted.

New Sec. 5. The following definitions shall apply to K.S.A. 40-246b through 40-246e, and amendments thereto, and section 7, and amendments thereto:

(a) "Exempt commercial purchaser" means any person purchasing commercial insurance that, at the time of placement, meets the following requirements:

(1) The person employs or retains a qualified risk manager to negotiate insurance coverage;

(2) the person has paid aggregate nationwide commercial property and casualty insurance premiums in excess of \$100,000 in the immediately preceding 12 months; and

(3) the person:

(A) Possesses a net worth in excess of \$20,040,000, except that this amount shall be adjusted every five years by rules and regulations of the commissioner of insurance to account for the percentage change in the consumer price index;

(B) generates annual revenues in excess of \$55,100,000, except that this amount shall be adjusted every five years by rules and regulations of the commissioner of insurance to account for the percentage change in the consumer price index;

(C) employs more than 500 full-time or full-time-equivalent employees per insured entity or is a member of an affiliated group employing more than 1,000 employees in the aggregate;

(D) is a not-for-profit organization or public entity generating annual budgeted expenditures of at least \$33,060,000, except that this amount shall be adjusted every five years by rules and regulations of the commissioner of insurance to account for the percentage change in the consumer price index; or

(E) is a municipality with a population in excess of 50,000 persons.

(b) "Home state" (1) In general, except as provided in subparagraph (2), the term "home state" means, with respect to an insured:

(A) The state in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence; or

(B) if 100% of the insured risk is located out of the state referred to in paragraph (1)(A), the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

(2) Affiliated groups. If more than one insured from an affiliated group are named insureds on a single non-admitted insurance contract, the term "home state" means the home state, as determined pursuant to paragraph (1), of the member of the affiliated group that has the largest percentage of premium attributed to it under such insurance contract.

(c) "Nonadmitted insurer" means an insurer that is not authorized or admitted to transact the business of insurance under the law of the home state, but does not include a risk retention group as that term is defined in 15 U.S.C. § 3901(a)(4), as in effect on July 1, 2015.

(d) "Principal place of business" means, with respect to determining the home state of the insured, the state where the insured maintains its headquarters and where the

insured's high-level officers direct, control and coordinate the business activities of the insured.

(e) "Surplus lines insurance" means insurance procured by a surplus lines licensee from a surplus lines insurer as permitted under the law of the home state. "Surplus lines insurance" shall also mean excess lines insurance as may be defined by applicable state law.

(f) This section shall take effect on and after January 1, 2016.

Sec. 6. On January 1, 2016, K.S.A. 2014 Supp. 40-246c is hereby amended to read as follows: 40-246c. (a) On March 1 of each year, each licensed agent shall collect and pay to the commissioner a ~~sum-based tax of 6%~~ on the total gross premiums charged, less any return premiums, for surplus lines insurance provided transacted by the licensee pursuant to the license. ~~Where the insurance covers properties, risks or exposures located or to be performed both in and out of this state, the sum payable shall be computed based on:~~

~~(1) An amount equal to 6% of that portion of the gross premiums allocated to this state; plus~~

~~(2) an amount equal to the portion of the premiums allocated to other states or territories on the basis of the tax rates and fees applicable to properties, risks or exposures located or to be performed outside of this state; less~~

~~(3) the amount of gross premiums allocated to this state and returned to the insured for insureds whose home state is this state.~~

(b) The tax on any portion of the premium unearned at termination of insurance, if any, having been credited by the state to the licensee shall be returned to the policyholder directly by the surplus lines licensee or through the producing broker. The surplus lines licensee is prohibited from rebating any part of the tax for any reason. ~~To the extent that other states where portions of the properties, risks or exposures reside have failed to enter into a compact or reciprocal allocation procedure with this state, the net premium tax collected shall be retained by this state.~~

(c) The individual responsible for filing the statement shall be the agent who signs the policy or the agent of record with the company. The commissioner of insurance shall collect double the amount of tax herein provided from any licensee or other responsible individual as herein described who shall fail, refuse or neglect to transmit the required affidavit or statement or shall fail to pay the tax imposed by this section, to the commissioner within the period specified.

New Sec. 7. (a) A surplus lines producer seeking to place non-admitted insurance for an exempt commercial purchaser is not required to file the signed statement under K.S.A. 40-246b, and amendments thereto, if the surplus lines producer has disclosed to the exempt commercial purchaser that such insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight and the exempt commercial purchaser has subsequently requested in writing the surplus lines producer to procure or place such insurance from a nonadmitted insurer.

(b) This section shall take effect on and after January 1, 2016.

New Sec. 8. The commissioner of insurance may adopt such rules and regulations as are reasonable, necessary and incidental to the enforcement and administration of the provisions of K.S.A. 2014 Supp. 40-246b through 40-246e and section 7, and amendments thereto. Such rules and regulations shall be adopted no later than January 1, 2017.

(b) This section shall take effect on and after January 1, 2016.

Sec. 9. K.S.A. 40-2127 and K.S.A. 2014 Supp. 40-223 and 40-3118 are hereby repealed.";

On page 13, in line 1, before "K.S.A." by inserting "On January 1, 2016,"; also in line 1, after "Supp." by inserting "40-246c,"; also in line 1, by striking "is" and inserting ", 40-5701, 40-5702 and 40-5703 are"; in line 3, by striking "January 1, 2016, and";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "motor vehicle liability insurance, mailing notice of termination of coverage; certain financial examinations, consulting fees, examination period; surplus lines insurance, gross premiums and tax thereon"; also in line 4, after "K.S.A." by inserting "40-2127 and K.S.A."; also in line 4, after "Supp." by inserting "40-223, 40-246c,"; also in line 4, after "40-2,194" by inserting "and 40-3118"; in line 5, by striking "section" and inserting "sections; also repealing K.S.A. 2014 Supp. 40-5701, 40-5702 and 40-5703";

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

JEFF LONGBINE  
ELAINE BOWERS  
TOM HAWK

*Conferees on part of Senate*

SCOTT SCHWAB  
ROB BRUCHMAN  
RODERICK HOUSTON

*Conferees on part of House*

Senator Longbine moved the Senate adopt the Conference Committee Report on **HB 2352**.

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

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

Absent or Not Voting: Arpke, Kerschen, Masterson.

The Conference Committee Report was adopted.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Friday, May 29, 2015.

# Journal of the Senate

SEVENTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, May 29, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 39 senators present.  
Senator Arpke was excused.  
Invocation by Reverend Cecil T. Washington:

Lord, It is in the news. On this past Monday, as new leadership is posturing to take over, the Federal Government declared this day, Friday May 29, a public holiday. And the government urged all citizens to pray...to pray for the success of the democratic process. Now, although this occurred over in Nigeria, we know that You will hear our prayers right here in Kansas. So, Lord, would You motivate the citizens who would, to join us and pray. Because prayer that truly seeks Your face, is the key to success in government. You said in Romans 13:1 that all authority comes from You. Therefore all of us in government are accountable to You. And You made it clear when You said in Proverbs 14:34, that righteousness exalts a nation but sin (the attitude of wanting our way instead of Yours) is what brings people down. So, fill the men and women of these chambers with a craving for Your righteousness...the only righteousness that really counts. So that appropriate decisions will be made and the citizens will be lifted up, due to a democratic process that You've made successful. Lord, we're grateful to live in a land, where we have the freedom to pray openly. Thank You! Thank You! Thank You!  
In Jesus name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

## POINT OF PERSONAL PRIVILEGE

President Wagle introduced her parents, Willard and Linda Kratz, and other guests visiting the Capitol from Larksfield Place in Wichita. Others present included: David Stuart, Marilyn Cross, Helen Fanning, Bob Ralstin, Mary Brown, Kathryn Cox, Fred Winnai, Louise Winnai, Richard Hoyer, Susan Oneth, Jeremy Gingerich, Judy Thompson, Cindy Woods and Maralee Rounds.

Senators honored the guests with a standing ovation.

**MESSAGE FROM THE HOUSE**

The House nonconcur in Senate amendments to **S Sub HB 2353**, requests a conference and has appointed Representatives Ryckman, Schwartz and Henry as conferees on the part of the House.

Announcing passage of **SB 270**, as amended by **H Sub SB 270**.

**ORIGINAL MOTION**

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 270; HB 2183**.

**ORIGINAL MOTION**

Senator Donovan moved to nonconcur with House amendments to **H Sub SB 270** and requested a conference committee be appointed.

Senator Hensley offered a substitute motion to concur with House amendments to **H Sub SB 270**.

On motion of Senator Bruce, the Senate adjourned the morning session until 4:00 p.m.

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The Senate met pursuant to adjournment with Vice President King in the chair.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

The Senate returned to the substitute motion by Senator Hensley to concur with the House amendments to **H Sub SB 270**.

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

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Knox, Pettey, Pyle, Smith.

Nays: Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Schmidt, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Arpke.

Motion to concur failed.

**ORIGINAL MOTION**

Senator Bruce moved to reconsider the previous action on the motion to concur with the House amendments to **H Sub SB 270**. The motion was adopted.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Donovan the Senate nonconcurrred in the House amendments to **H Sub SB 270** and requested a conference committee be appointed.

The Vice President appointed Senators Donovan, Tyson and Holland as a conference committee on the part of the Senate.

**ORIGINAL MOTION**

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **S Sub HB 2353**.

The Vice President appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **HB 2223**.

The House adopts the Conference Committee report on **HB 2352**.

**REPORT ON ENROLLED BILLS**

**SB 34** reported correctly enrolled, properly signed and presented to the Governor on May 29, 2015.

**SR 1752** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 29, 2015.

**TRIBUTES**

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of May 26 through May 29, 2015:

Senator Faust-Goudeau: celebrating the 100th Tyler Family Reunion.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Saturday, May 30, 2015.

# Journal of the Senate

SEVENTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Saturday, May 30, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Arpke was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, You are so beyond us that words fail us...they just fall short in proclaiming Your attributes. When we say that You're omnipresent; when we say You're omniscient; when we say you're omnipotent, You're all that and more. The Old Testament prophet Isaiah, refers to You three times in 41, 44-48 as the First and the Last. Four times, in the New Testament, the book of Revelation, refers to You, by using the first and last letters of the Greek alphabet (1:8, 11; 21:6; 22:13). You're the Alpha and Omega. Lord, You're the Beginning and the End. This means that You are the whole of everything...You're all we need, from the beginning to the end. You've been with us from the first day we gathered under this dome. And Lord, we know You'll be with us to the last day. Although we pull in one direction and then push in another, the beginning, middle and end of it all, is in Your sovereign Hand. It's all been in Your Hands from day one. Hebrews 12:2 says, You are the Author and You are the Finisher of our faith, You are the Beginning, the Middle and the End of all we will accomplish, during this time together. So, Lord, the same way that You bring the beginning into the middle and then into the end, where we have conflicting views, would You do the same. Bring us from the beginning of conflict into the middle ground of agreement and then bring us to a glorious end. In Jesus name. So be it!

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 310**, AN ACT concerning school districts; authorizing income tax contributions for the benefit of school districts, by Committee on Ways and Means.

## CHANGE OF REFERENCE

The President withdrew **S Sub HB 2109** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Assessment and Taxation**.

**COMMUNICATIONS FROM STATE OFFICERS**

## DEPARTMENT OF CORRECTIONS

May 21, 2015

Secretary of Corrections Ray Roberts submitted the Kansas Department of Corrections State Forfeiture Fund for December 2, 2012 through December 1, 2013.

Secretary of Corrections Ray Roberts submitted the Kansas Department of Corrections State Forfeiture Fund for December 2, 2013 through December 1, 2014.

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

**MESSAGE FROM THE HOUSE**

The House accedes to the request of the Senate for a conference on **H Sub SB 270** and has appointed Representatives Kleeb, Suellentrop and Sawyer as conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 113**, and has appointed Representatives Pauls, Macheers and Ward as fourth conferees on the part of the House.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 113** 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.

JOHN BARKER

CHARLES MACHEERS

*Conferees on part of House*

JEFF KING

GREG SMITH

DAVID HALEY

*Conferees on part of Senate*

On motion of Senator King the Senate adopted the conference committee report on **SB 113**, and requested a new conference be appointed.

The President appointed Senators King, Smith and Haley as a fourth Conference Committee on the part of the Senate on **SB 113**.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

**MESSAGE FROM THE HOUSE**

The House concurs in Senate amendments to **S Sub HB 2228**.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2331** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

RALPH OSTMEYER  
 JACOB LATURNER  
 OLETHA FAUST-GOUDEAU  
*Conferees on part of Senate*

STEVEN BRUNK  
 TRAVIS COUTURE-LOVELADY  
 ANNIE TIETZE  
*Conferees on part of House*

On motion of Senator Ostmeyer the Senate adopted the conference committee report on **HB 2331**, and requested a new conference be appointed.

The Vice President appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as a second Conference Committee on the part of the Senate on **HB 2331**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1753—

A RESOLUTION congratulating and commending Vanya Shivashankar of Olathe, Kansas, for winning the 2015 National Spelling Bee.

WHEREAS, Vanya Shivashankar, a 13-year-old student at California Trail Junior High in Olathe, Kansas, is the 2015 Scripps National Spelling Bee co-champion. Vanya devoted much of her free time to studying spelling and takes her education very seriously, aspiring to one day be a cardiac surgeon. Earlier this year, Vanya was named the winner of Lifetime's "Child Genius" competition show; and

WHEREAS, Vanya, with support from her parents, Mirle and Sandy, and sister Kavya, made the trip to Washington, D.C., for the 88<sup>th</sup> annual competition. More than 11 million students took part in local and state spelling bees and only 285 competitors made it to the national competition. This was Vanya's fifth appearance in the National Spelling Bee; and

WHEREAS, Vanya's sister, Kavya, was named the national champion in 2009. Vanya's victory marked the first time in the National Spelling Bee's history that a sibling of a previous winner had also gone on to win the competition; and

WHEREAS, Vanya's words included "thamakau," "hippocrepiform" and "scherenschnitte." Vanya and Gokul Venkatachalam were crowned co-winners after Gokul exhausted the championship word list by successfully spelling "nunatak." Each

champion received a \$30,000 prize plus an engraved trophy; a \$5,000 cash prize from Words With Friends; a \$2,500 U.S. savings bond and a reference library from Merriam-Webster; and \$1,100 worth of reference works from Encyclopedia Britannica: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Vanya Shivashankar for winning the 2015 National Spelling Bee competition and take pride in her outstanding achievements as a role model for her peers in Kansas and across the nation. We wish her all the best for continued success in all future academic, personal and career challenges as she further develops and applies her amazing gifts; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Vanya Shivashankar and one enrolled copy to her parents, Mirle and Sandy Shivashankar.

On emergency motion of Senator Lynn **SR 1753** was adopted by voice vote.

## REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **S Sub HB 2109**, as amended by Senate Committee of the Whole, be amended on page 3, by striking all in lines 19 through 43;

By striking all on pages 4 through 47;

On page 48, by striking all on lines 1 through 5;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; by striking all in line 2; in line 3, by striking "credit"; also in line 3, by striking all after "amnesty"; by striking lines 4 through 12; also in line 13, by striking all before the period; and the bill be passed as amended.

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

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

## CONFERENCE COMMITTEE REPORTS

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2005** 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 30, by striking "\$96,689,750" and inserting "\$101,904,750";

On page 3, in line 24, by striking "\$96,706,812" and inserting "\$105,685,224";

On page 8, in line 34, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 11, in line 27, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 12, in line 24, by striking the first "and"; also in line 24, following "2018," by inserting "and June 30, 2019,"; in line 27, by striking "2019" and inserting "2020";

On page 13, in line 9, before "The" by inserting "On and after July 1, 2015, through

June 30, 2017,";

On page 16, in line 38, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 21, in line 35, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 24, in line 20, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 25, in line 22, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 27, in line 6, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 17, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 28, in line 20, before "the" by inserting "on and after July 1, 2015, through June 30, 2017,";

On page 29, in line 22, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 31, in line 6, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 17, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 33, in line 25, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 35, in line 38, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 37, in line 15, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 40, in line 2, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 18, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 42, in line 20, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 43, in line 26, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 44, in line 1, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 16, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 19, before "The" by inserting "Except as provided further,"; in line 28, after the period by inserting "If the appropriations to the judicial branch for fiscal year 2016 or fiscal year 2017 are reduced below the amounts appropriated in this act by any other act of the 2015 or 2016 regular session of the legislature, the provisions of this section are hereby declared to be null and void and shall have no force and effect and the provisions of this act and of 2014 Senate Substitute for House Bill No. 2338, chapter 82 of the 2014 Session Laws of Kansas, are declared to be severable.";

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

TY MASTERSON

JEFF KING

*Conferees on part of Senate*

RON RYCKMAN, JR.

JOHN BARKER

*Conferees on part of House*

The motion of Senator King to adopt the Conference Committee Report on **HB 2005** failed.

On roll call, the vote was: Yeas 18; Nays 21; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, Love, Masterson, Ostmeyer, Petersen, Powell, Smith, Wagle, Wilborn.

Nays: Baumgardner, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, Lynn, McGinn, Melcher, O'Donnell, Olson, Pettey, Pilcher-Cook, Pyle, Schmidt, Tyson, Wolf.

Absent or Not Voting: Arpke.

The Conference Committee Report was not 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 of the Whole amendments (Corrected), as follows:

On page 1, following line 9, by inserting:

"New Section 1. (a) Every person who is registered as a lobbyist shall file with the secretary of state a detailed report listing the amount of public funds paid to hire or contract for the lobbying services on behalf of: (1) A governmental entity; or (2) any association of governmental entities that receive public funds. The report shall include a listing of the amount of public funds paid to hire or contract for the lobbying services of such lobbyist and which association of governmental entities that receive public funds hired such lobbyist on a form and in the manner prescribed and provided by the governmental ethics commission. Each report required to be filed by this section is a public record and shall be open to public inspection upon request. A report shall be filed on or before January 10, 2017, and on or before January 10 of each subsequent year for the reporting period containing the preceding calendar year.

(b) The reports filed with the secretary of state pursuant to subsection (a) shall be made available on a searchable public website by the secretary of state.

(c) As used in this section:

(1) "Governmental entity" has the meaning as defined in K.S.A. 75-6102, and amendments thereto.

(2) "Lobbying" has the meaning as defined in K.S.A. 46-225, and amendments thereto.

(3) "Public funds" means moneys appropriated by the state or any of its subdivisions.";

On page 2, following line 16, by inserting:

"Sec. 4. K.S.A. 2014 Supp. 25-4119f is hereby amended to read as follows: 25-4119f. (a) In addition to any other fee required by law, every person becoming a candidate for the following offices shall pay a fee at the time of filing for such office in

the amount prescribed by this section:

- (1) Governor and lieutenant governor.....\$480 ~~\$650~~;
- (2) state offices elected by statewide election, other than the governor and lieutenant governor.....\$480 ~~\$650~~;
- (3) state senator, state representative, state board of education, district attorney, board of public utilities of the city of Kansas City and elected county offices.....\$35 ~~\$50~~; and
- (4) members of boards of education of unified school districts having 35,000 or more pupils regularly enrolled in the preceding school year, members of governing bodies of cities of the first class and judges of the district court in judicial districts in which judges are elected.....\$35 ~~\$50~~.

(b) The secretary of state shall remit all fees received by that office to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. County election officers receiving fees in accordance with this section shall remit such fees to the county treasurer of the county who shall quarterly remit the same to the state treasurer. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.

Sec. 5. K.S.A. 2014 Supp. 25-4145 is hereby amended to read as follows: 25-4145.

(a) Each party committee and each political committee which anticipates receiving contributions or making expenditures shall appoint a chairperson and a treasurer. The chairperson of each party committee and each political committee which anticipates receiving contributions or making expenditures for a candidate for state office shall make a statement of organization and file it with the secretary of state not later than 10 days after establishment of such committee. The chairperson of each political committee which anticipates receiving contributions or making expenditures for any candidate for local office, shall make a statement of organization and file it with the county election officer not later than 10 days after establishment of such committee.

(b) Every statement of organization shall include:

(1) The name and address of the committee. The name of the committee shall reflect the full name of the organization with which the committee is connected or affiliated or sufficiently describe such affiliation. If the political committee is not connected or affiliated with any one organization, the name shall reflect the trade, profession or primary interest of the committee as reflected by the statement of purpose of such organization;

(2) the names and addresses of the chairperson and treasurer of the committee;

(3) the names and addresses of affiliated or connected organizations; and

(4) in the case of a political committee, the full name of the organization with which the committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(c) Any change in information previously reported in a statement of organization shall be reported on a supplemental statement of organization and filed not later than 10 days following the change.

(d) (1) Each political committee which anticipates receiving contributions shall register annually with the commission on or before July 1 of each year. Each political committee registration shall be in the form and contain such information as may be required by the commission.

(2) Each registration by a political committee anticipating the receipt of \$2,501 or more in any calendar year shall be accompanied by an annual registration fee of ~~\$240~~ \$300.

(3) Each registration by a political committee anticipating the receipt of more than \$500 but less than \$2,501 in any calendar year shall be accompanied by an annual registration fee of ~~\$35~~ \$50.

(4) Each registration by a political committee anticipating the receipt of \$500 or less in any calendar year shall be accompanied by an annual registration fee of ~~\$20~~ \$25.

(5) Any political committee which is currently registered under subsection (d)(3) or (d)(4) and which receives contributions in excess of \$2,500 for a calendar year, shall file, within three days of the date when contributions exceed such amount, an amended registration form which shall be accompanied by an additional fee for such year equal to the difference between ~~\$240~~ \$300 and the amount of the fee that accompanied the current registration.

(6) Any political committee which is currently registered under subsection (d)(4) and which receives contributions in excess of \$500 but which are less than \$2,501, shall file, within three days of the date when contributions exceed \$500, an amended registration form which shall be accompanied by an additional fee of ~~\$20~~ \$25 for such year.

(e) All such fees received by or for the commission shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.";

On page 7, following line 25, by inserting:

"Sec. 12. K.S.A. 46-222 is hereby amended to read as follows: 46-222. (a) "Lobbyist" means: (1) Any person employed in considerable degree for lobbying; (2) any person formally appointed as the primary representative of an organization or other person to lobby in person on state-owned or leased property; or (3) any person who makes expenditures in an aggregate amount of ~~\$100~~ \$1,000 or more, exclusive of personal travel and subsistence expenses, in any calendar year for lobbying.

(b) "Lobbyist" shall not include: (1) Any state officer or employee engaged in carrying out the duties of their office; (2) the employer of a lobbyist, if such lobbyist has registered the name and address of such employer under K.S.A. 46-265, and amendments thereto; (3) any nonprofit organization which has qualified under ~~paragraph (3) of subsection (e) of section 501(c)(3) of the internal revenue code of 1954~~ 1986, as amended, which is interstate in its operations and of which a primary purpose is the nonpartisan analysis, study or research of legislative procedures or practices and the dissemination of the results thereof to the public, irrespective of whether such organization may recommend a course of action as a result of such analysis, study or research; (4) any justice or commissioner of the supreme court or judge of the judicial branch or employee or officer of the judicial branch or, any member of a board, council or commission who is appointed by the supreme court or who is elected or appointed to

exercise duties pertaining to functions of the judicial branch, when such person is engaged in performing a function or duty for the judicial branch; or (5) any appointed member of an advisory council, commission or board, who serves without compensation other than amounts for expense allowances or reimbursement of expenses as provided for in ~~subsection (e)~~ of K.S.A. 75-3223(c), and amendments thereto, when such member is engaged in performing a function or duty for such council, commission or board.

Sec. 13. K.S.A. 2014 Supp. 46-265 is hereby amended to read as follows: 46-265. (a) Every lobbyist shall register with the secretary of state by completing and signing a registration form prescribed and provided by the commission. Such registration shall show the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying, the purpose of the employment and the method of determining and computing the compensation of the lobbyist. If the lobbyist is compensated or to be compensated for lobbying by more than one employer or is to be engaged in more than one employment, the relevant facts listed above shall be stated separately for each employer and each employment. Whenever any new lobbying employment or lobbying position is accepted by a lobbyist already registered as provided in this section, such lobbyist shall report the same on forms prescribed and provided by the commission before engaging in any lobbying activity related to such new employment or position, and such report shall be filed with the secretary of state. When a lobbyist is an employee of a lobbying group or firm which contracts to lobby and not an owner or partner of such entity, the lobbyist shall report each client of the group, firm or entity whose interest the lobbyist represents. Whenever the lobbying of a lobbyist concerns a legislative matter, the secretary of state promptly shall transmit copies of each registration and each report filed under this act to the secretary of the senate and the chief clerk of the house of representatives.

(b) On or after October 1, in any year any person may register as a lobbyist under this section for the succeeding calendar year. Such registration shall expire annually on December 31; of the year for which the lobbyist is registered. In any calendar year, before engaging in lobbying, persons to whom this section applies shall register or renew their registration as provided in this section. Except for employees of lobbying groups or firms, every person registering or renewing registration who anticipates spending \$1,000 or less for lobbying in such registration year on behalf of any one employer shall pay to the secretary of state a fee of ~~\$35~~ \$50 for lobbying for each such employer. Except for employees of lobbying groups or firms, every person registering or renewing registration who anticipates spending more than \$1,000 for lobbying in such registration year on behalf of any one employer shall pay to the secretary of state a fee of ~~\$300~~ \$350 for lobbying for such employer. Any lobbyist who at the time of initial registration anticipated spending less than \$1,000, on behalf of any one employer, but at a later date spends in excess of such amount, within three days of the date when expenditures exceed such amount, shall file an amended registration form which shall be accompanied by an additional fee of ~~\$220~~ \$300 for such year. Every person registering or renewing registration as a lobbyist who is an employee of a lobbying group or firm and not an owner or partner of such entity shall pay an annual fee of ~~\$360~~ \$450. The secretary of state shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire

amount in the state treasury to the credit of the governmental ethics commission fee fund.

(c) Any person who has registered as a lobbyist pursuant to this act may file, upon termination of such person's lobbying activities, a statement terminating such person's registration as a lobbyist. Such statement shall be on a form prescribed by the commission and shall state the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying and the date of the termination of the lobbyist's lobbying activities.

(d) No person who has failed or refused to pay any civil penalty imposed pursuant to K.S.A. 46-280, and amendments thereto, shall be authorized or permitted to register as a lobbyist in accordance with this section until such penalty has been paid in full.";

On page 8, in line 7, after "right-of-way" by inserting "for city streets or county roads"; also in line 7, by striking "30-day" and inserting "45-day"; in line 8, by striking "seven-day" and inserting "two-day"; in line 9, after "election." by inserting "Cities and counties may regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons."; in line 10, after "25-4173" by inserting ", 46-222"; in line 11, after "Supp." by inserting "25-4119f, 25-4145,"; also in line 11, by striking "and" and inserting a comma; in line 12, after "4169a" by inserting "and 46-265";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "campaign finance" and inserting "governmental ethics"; also in line 1, by striking ", contributor"; in line 2, after "lobbyist" by inserting "fees and"; in line 5, after "25-4173" by inserting ", 46-222"; also in line 5, after "Supp." by inserting "25-4119f, 25-4145,"; in line 6, by striking the first "and" and inserting a comma; also in line 6, after "25-4169a" by inserting "and 46-265";

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

MITCH HOLMES

STEVE FITZGERALD

OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

MARK KAHR

KEITH ESAU

TOM SAWYER

*Conferees on part of House*

Senator Holmes moved the Senate adopt the Conference Committee Report on **HB 2183**.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 1; Absent or Not Voting 1.

Yeas: Abrams, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Holmes, Kerschen, King, Knox, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Smith, Wagle, Wilborn.

Nays: Baumgardner, Hensley, Holland, Kelly, LaTurner, McGinn, Pettey, Pyle, Schmidt, Tyson, Wolf.

MAY 30, 2015

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Present and Passing: Francisco.

Absent or Not Voting: Arpke.

The Conference Committee Report was adopted.

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report to agree to disagree on **HB 2331**, and has appointed Representatives Brunk, Couture-Lovelady and Tietze as second conferees on the part of the House.

On motion of Senator Bruce, the Senate adjourned until 2:00 p.m., Sunday, May 31, 2015.

# Journal of the Senate

SEVENTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Sunday, May 31, 2015, 2:00 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Arpke was excused.

The President introduced the guest chaplain, Reverend Chris Halverson who delivered the invocation:

As we open in prayer, listen to the Word of the Lord: “Jesus appointed disciples and sent them two by two before His face into every place where He Himself was about to go. Then He said to them...whatever house you enter, first say, ‘Peace to this house.’ And if a son of peace is there, your peace will rest on it; if not, it will return to you...and say to that house, ‘The kingdom of God has come near to you.’ ” (Luke 10:1,2,5,9) Father in heaven, You have sent me and my friends for a season to this city and to this state house. You have asked us to announce the presence of your kingdom and to pray for laborers to represent the people of Kansas in righteousness and justice. You have instructed that we first say, ‘peace to this house’. And You have promised that if a son of peace is here, that your peace will rest upon them. We know that a son of peace is here. We have found many a child of peace in this legislative household. They have received us and welcomed us in. And in receiving us, they have received You. So, in obedience I pronounce peace upon this body – a peace that passes all understanding – a peace that covers all who receive it, from the leadership to the newest members, from the far right to the distant left. Like the properly drawn strings of a violin between two fixed points – not too tight or too loose – I pray that the hand of peace will fine-tune the given tensions in this legislative body, that a sound rendition will ring forth from this chamber to the people who eagerly await its hearing. I offer this prayer in the name of Jesus, who taught me to make it. 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 311**, AN ACT concerning education; transferring the powers and duties related to the administration of school finance to the department of administration and the secretary of administration; making and concerning appropriations for the fiscal years ending June 30, 2016, and June 30, 2017, for the department of education and the department of administration; amending K.S.A. 19-508b, 72-1413, 72-1414, as

amended by section 31 of 2015 House Substitute for Senate Bill No. 7, 72-3604, 72-3605, 72-3606, 72-5112, 72-5113, 72-5114, 72-5115, 72-5116, 72-5118, 72-5121, 72-5122, 72-5123, 72-5124, 72-5125, 72-6761, 74-4939, 75-2316, 75-2317 and 75-2318 and K.S.A. 2014 Supp. 8-272, 12-1776a, as amended by section 27 of 2015 House Substitute for Senate Bill No. 7, 72-965, 72-978, as amended by section 28 of 2015 House Substitute for Senate Bill No. 7, 72-979, 72-983, 72-998, 72-1398, as amended by section 30 of 2015 House Substitute for Senate Bill No. 7, 72-3715, as amended by section 36 of 2015 House Substitute for Senate Bill No. 7, 72-5128, 72-5395, 72-8187, as amended by section 49 of 2015 House Substitute for Senate Bill No. 7, 72-8203b, 72-8223, 72-8251, as amended by section 57 of 2015 House Substitute for Senate Bill No. 7, 72-8254, 72-9603, 72-9607, 72-9608, 72-9922, 72-9923, 72-9925, 74-4939a, as amended by section 69 of 2015 House Substitute for Senate Bill No. 7, 75-2319, as amended by section 72 of 2015 House Substitute for Senate Bill No. 7, 75-2319c, 75-2321 and Sections 5, 6, 7, 8, 9, 10, 14, 15, 17, 20 and 21 of 2015 House Substitute for Senate Bill No. 7 and repealing the existing sections; also repealing Sections 2 and 3 of 2015 House Substitute for Senate Bill No. 7, by Committee on Ways and Means.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Assessment and Taxation: **SB 310**.

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

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

#### ORIGINAL MOTION

Having voted on the prevailing side on **HB 2005**, Senator O'Donnell moved the Senate reconsider its action on **HB 2005**, and the bill be returned to consideration of conference committee reports.

The motion carried.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2005** 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 30, by striking "\$96,689,750" and inserting "\$101,904,750";

On page 3, in line 24, by striking "\$96,706,812" and inserting "\$105,685,224";

On page 8, in line 34, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 11, in line 27, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 12, in line 24, by striking the first "and"; also in line 24, following "2018," by inserting "and June 30, 2019,"; in line 27, by striking "2019" and inserting "2020";

On page 13, in line 9, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 16, in line 38, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 21, in line 35, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 24, in line 20, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 25, in line 22, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 27, in line 6, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 17, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 28, in line 20, before "the" by inserting "on and after July 1, 2015, through June 30, 2017,";

On page 29, in line 22, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 31, in line 6, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 17, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 33, in line 25, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 35, in line 38, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 37, in line 15, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 40, in line 2, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 18, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 42, in line 20, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 43, in line 26, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 44, in line 1, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 16, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 19, before "The" by inserting "Except as provided further,"; in line 28, after the period by inserting "If the appropriations to the judicial branch for fiscal year 2016 or fiscal year 2017 are reduced below the amounts appropriated in this act by any other act of the 2015 or 2016 regular session of the legislature, the provisions of this section are hereby declared to be null and void and shall have no force and effect and the provisions of this act and of 2014 Senate Substitute for House Bill No. 2338, chapter 82 of the 2014 Session Laws of Kansas, are declared to be severable.";

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

TY MASTERSON

JEFF KING

*Conferees on part of Senate*

RON RYCKMAN, JR.

JOHN BARKER

*Conferees on part of House*

Senator Kelly made a substitute motion to not adopt the conference committee report and requested that a new conference committee be appointed.

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

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

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt, Wolf.

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

Absent or Not Voting: Arpke.

The motion failed.

Senator King moved the Senate adopt the Conference Committee Report on **HB 2005**.

On roll call, the vote was: Yeas 25; Nays 14; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, McGinn, Pettey, Pyle, Schmidt, Tyson, Wolf.

Absent or Not Voting: Arpke.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Madam President: Once again, (as did the majority of this same Senate just yesterday) I will continue to VOTE "No" on **HB 2005**. Nothing has changed with this legislation since yesterday. Now, all that has changed is the will of a fickle and too easily manipulated majority. This conference committee report remains lawsuit inducing and potentially unconstitutional. To paraphrase concerns expressed in a recent editorial by a respected Kansas newspaper, this bill, in part, is "...about court funding and it risks both the balance of powers and the ability of the State's judiciary to function ... " autonomously of the Legislature's purse-strings. I respect and have sworn to uphold Kansas' and the United States', THREE branches of government as provided for in the Constitutions of both; Executive, Legislative and Judicial. Last year's bill began to tie judicial funding to policy initiatives when the Legislature (over my objection then too) took away the Supreme Court's power to appoint chief district judges or to then directly control their appropriations. This year, this bill apparently once again shows blatant disrespect for our State's Constitution. We should instead insure that the Judiciary has both funding and independence. Accordingly, as both the ranking member of Senate Judiciary and but one of only three lawyers in this Chamber of forty members, I continue to vote "No" on the conference committee report on **HB 2005**.—DAVID HALEY

On motion of Senator Bruce, the Senate recessed until 8:00 p.m.

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

#### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2183**.

The House adopts the Conference Committee report on **SB 113**.

#### 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:

**S Sub HB 2109** be amended by the adoption of the committee amendments, be further amended by motion of Senator Tyson, on page 48, following line 5, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 79-32,265 is hereby amended to read as follows: 79-32,265. Except as otherwise provided, no credit provided under the Kansas income tax act, and amendments thereto, shall be allowed any individual who fails to provide a valid social security number issued to such individual, the individual's spouse and dependents of the individual for purposes of section 205 (c)(2)(A) of the social security act on such individual's Kansas income tax return as the identifying number for such individual for tax purposes or any individual who has not been issued a valid social security number for the entire taxable year in which such credit is claimed. The provisions of this section shall not apply to the credit provided by K.S.A. 79-32,111, and amendments thereto.

Sec. 3. K.S.A. 2014 Supp. 79-32,265 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 13, before the period by inserting "; income tax, eligibility for credits; amending K.S.A. 2014 Supp. 79-32,265 and repealing the existing section".

**S Sub HB 2109** be further amended by motion of Senator Pilcher-Cook, on page 48, following line 5, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 79-201, as amended by section 4 of 2015 Senate Bill No. 91, is hereby amended to read as follows: 79-201. The following described property, to the extent herein specified, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

*First.* All buildings used exclusively as places of public worship and all buildings used exclusively by school districts and school district interlocal cooperatives organized under the laws of this state, with the furniture and books therein contained and used exclusively for the accommodation of religious meetings or for school district or school district interlocal cooperative purposes, whichever is applicable, together with the grounds owned thereby if not leased or otherwise used for the realization of profit, except that: (a) (1) Any school building, or portion thereof, together with the grounds upon which the building is located, shall be considered to be used exclusively by the school district for the purposes of this section when leased by the school district to any political or taxing subdivision of the state, including a school district interlocal

cooperative, or to any association, organization or nonprofit corporation entitled to tax exemption with respect to such property; and (2) any school building, together with the grounds upon which the building is located, shall be considered to be used exclusively by a school district interlocal cooperative for the purposes of this section when being acquired pursuant to a lease-purchase agreement; and (b) any building, or portion thereof, used as a place of worship, together with the grounds upon which the building is located, shall be considered to be used exclusively for the religious purposes of this section when used as a not-for-profit day care center for children which is licensed pursuant to K.S.A. 65-501 et seq., and amendments thereto, or when used to house an area where the congregation of a church society and others may purchase tracts, books and other items relating to the promulgation of the church society's religious doctrines.

*Second.* All real property, and all tangible personal property, actually and regularly used exclusively for literary, educational, scientific, religious, benevolent or charitable purposes, including property used exclusively for such purposes by more than one agency or organization for one or more of such exempt purposes. Except with regard to real property which is owned by a religious organization, is to be used exclusively for religious purposes and is not used for a nonexempt purpose prior to its exclusive use for religious purposes which property shall be deemed to be actually and regularly used exclusively for religious purposes for the purposes of this paragraph, this exemption shall not apply to such property, not actually used or occupied for the purposes set forth herein, nor to such property held or used as an investment even though the income or rentals received therefrom is used wholly for such literary, educational, scientific, religious, benevolent or charitable purposes. In the event any such property which has been exempted pursuant to the preceding sentence is not used for religious purposes prior to its conveyance which results in its use for nonreligious purposes, there shall be a recoupment of property taxes in an amount equal to the tax which would have been levied upon such property except for such exemption for all taxable years for which such exemption was in effect. Such recoupment tax shall become due and payable in such year as provided by K.S.A. 79-2004, and amendments thereto. A lien for such taxes shall attach to the real property subject to the same on November 1 in the year such taxes become due and all such taxes remaining due and unpaid after the date prescribed for the payment thereof shall be collected in the manner provided by law for the collection of delinquent taxes. Moneys collected from the recoupment tax hereunder shall be credited by the county treasurer to the several taxing subdivisions within which such real property is located in the proportion that the total tangible property tax levies made in the preceding year for each such taxing subdivision bear to the total of all such levies made in that year by all such taxing subdivisions. Such moneys shall be credited to the general fund of the taxing subdivision or if such taxing subdivision is making no property tax levy for the support of a general fund such moneys may be credited to any other tangible property tax fund of general application of such subdivision. This exemption shall not be deemed inapplicable to property which would otherwise be exempt pursuant to this paragraph because an agency or organization: (a) Is reimbursed for the provision of services accomplishing the purposes enumerated in this paragraph based upon the ability to pay by the recipient of such services; or (b) is reimbursed for the actual expense of using such property for purposes enumerated in this paragraph; or (c) uses such property for a nonexempt purpose which is minimal in scope and insubstantial in nature if such use is incidental to the exempt purposes of this paragraph;

or (d) charges a reasonable fee for admission to cultural or educational activities or permits the use of its property for such activities by a related agency or organization, if any such activity is in furtherance of the purposes of this paragraph; or (e) is applying for an exemption pursuant to this paragraph for a motor vehicle that is being leased for a period of at least one year.

*Third.* All moneys and credits belonging exclusively to universities, colleges, academies or other public schools of any kind, or to religious, literary, scientific or benevolent and charitable institutions or associations, appropriated solely to sustain such institutions or associations, not exceeding in amount or in income arising therefrom the limit prescribed by the charter of such institution or association.

*Fourth.* The reserve or emergency funds of fraternal benefit societies authorized to do business under the laws of the state of Kansas.

*Fifth.* All buildings of private nonprofit universities or colleges which are owned and operated by such universities and colleges as student union buildings, presidents' homes and student dormitories.

~~*Sixth.* All real and tangible personal property actually and regularly used exclusively by the alumni association associated by its articles of incorporation with any public or nonprofit Kansas college or university approved by the Kansas board of regents to confer academic degrees or with any community college approved by its board of trustees to grant certificates of completion of courses or curriculum, to provide accommodations and services to such college or university or to the alumni, staff or faculty thereof.~~

~~*Seventh.*—All parsonages owned by a church society and actually and regularly occupied and used predominantly as a residence by a minister or other clergyman of such church society who is actually and regularly engaged in conducting the services and religious ministrations of such society, and the land upon which such parsonage is located to the extent necessary for the accommodation of such parsonage.~~

~~*Eighth.*~~*Seventh.* All real property, all buildings located on such property and all personal property contained therein, actually and regularly used exclusively by any individually chartered organization of honorably discharged military veterans of the United States armed forces or auxiliary of any such organization, which is exempt from federal income taxation pursuant to section 501(c)(19) of the federal internal revenue code of 1986, for clubhouse, place of meeting or memorial hall purposes, and real property to the extent of not more than two acres, and all buildings located on such property, actually and regularly used exclusively by any such veterans' organization or its auxiliary as a memorial park.

~~*Ninth.*~~*Eighth.* All real property and tangible personal property actually and regularly used by a community service organization for the predominant purpose of providing humanitarian services, which is owned and operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign not-for-profit corporation if: (a) The directors of such corporation serve without pay for such services; (b) the corporation is operated in a manner which does not result in the accrual of distributable profits, realization of private gain resulting from the payment of compensation in excess of a reasonable allowance for salary or other compensation for services rendered or the realization of any other form of private gain; (c) no officer, director or member of such corporation has any pecuniary interest in the

property for which exemption is claimed; (d) the corporation is organized for the purpose of providing humanitarian services; (e) the actual use of property for which an exemption is claimed must be substantially and predominantly related to the purpose of providing humanitarian services, except that, the use of such property for a nonexempt purpose which is minimal in scope and insubstantial in nature shall not result in the loss of exemption if such use is incidental to the purpose of providing humanitarian services by the corporation; (f) the corporation is exempt from federal income taxation pursuant to section 501(c)(3) of the internal revenue code of 1986; and (g) contributions to the corporation are deductible under the Kansas income tax act. As used in this clause, "humanitarian services" means the conduct of activities which substantially and predominantly meet a demonstrated community need and which improve the physical, mental, social, cultural or spiritual welfare of others or the relief, comfort or assistance of persons in distress or any combination thereof including, but not limited to, health and recreation services, child care, individual and family counseling, employment and training programs for handicapped persons and meals or feeding programs. Notwithstanding any other provision of this clause, motor vehicles shall not be exempt hereunder unless such vehicles are exclusively used for the purposes described therein, except that the use of any such vehicle for the purpose of participating in a coordinated transit district in accordance with the provisions of K.S.A. 75-5032 through 75-5037, and amendments thereto, or K.S.A. 75-5051 through 75-5058, and amendments thereto, shall be deemed as exclusive use.

*Tenth-Ninth.* For all taxable years commencing after December 31, 1986, any building, and the land upon which such building is located to the extent necessary for the accommodation of such building, owned by a church or nonprofit religious society or order which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and actually and regularly occupied and used exclusively for residential and religious purposes by a community of persons who are bound by vows to a religious life and who conduct or assist in the conduct of religious services and actually and regularly engage in religious, benevolent, charitable or educational ministrations or the performance of health care services.

*Eleventh-Tenth.* For all taxable years commencing after December 31, 1998, all property actually and regularly used predominantly to produce and generate electricity utilizing renewable energy resources or technologies when the applicant for such property, on or before December 31, 2016, has filed an application for exemption pursuant to this subsection or has received a conditional use permit to produce and generate electricity on the property from the county in which the property is located. Any exemption granted under the provisions of this subsection for such property when the applicant, after December 31, 2016, has filed such application or filed such application and received a conditional use permit, shall be in effect for the 10 taxable years immediately following the taxable year in which construction or installation of such property is completed. For purposes of this section, "renewable energy resources or technologies" shall include wind, solar, photovoltaic, biomass, hydropower, geothermal and landfill gas resources or technologies.

*Twelfth-Eleventh.* For all taxable years commencing after December 31, 2001, all personal property actually and regularly used predominantly to collect, refine or treat landfill gas or to transport landfill gas from a landfill to a transmission pipeline, and the landfill gas produced therefrom.

The provisions of this section, except as otherwise more specifically provided, shall apply to all taxable years commencing after December 31, ~~2009~~ 2015.

Sec. 3. K.S.A. 2014 Supp. 79-201, as amended by section 4 of 2015 Senate Bill No. 91, is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 13, before the period by inserting "; property tax exemptions; amending K.S.A. 2014 Supp. 79-201, as amended by section 4 of 2015 Senate Bill No. 91, and repealing the existing section".

**S Sub HB 2109** be further amended by motion of Senator Smith, on page 48, following line 5, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes as defined by K.S.A. 79-3301, and amendments thereto, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a

privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital

authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in ~~subsection (g)~~ of K.S.A. 79-3615(h), and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in ~~subsection (g)~~ of K.S.A. 79-3615(h), 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 (e)~~ of K.S.A. 79-3603(o), and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and

amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by ~~subsection (c)~~ of K.S.A. 74-5807(c), 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. 2014 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(k), 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~~(h), 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~~ by 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; (E) a manufacturing or processing business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E); and (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by ~~or on behalf of~~ a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by ~~or on behalf of~~ any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by ~~or on behalf of~~ any such organization for any such purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's disease and related disorders association, inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their

communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, ~~or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo~~ and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of

such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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 ~~(h)~~, 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 20<sup>th</sup> 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(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto.

Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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 (h), 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 20<sup>th</sup> 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(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by ~~or on behalf of~~ any such organization;

(mmm) all sales of tangible personal property purchased by ~~or on behalf of~~ the Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by ~~or on behalf of~~ such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west

Sedgwick county-sunrise rotary club and sunrise charitable fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by ~~or on behalf of~~ a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by ~~or on behalf of~~ a homeless shelter which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by ~~or on behalf of~~ any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by ~~or on behalf of~~ TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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~~(h)~~, 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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)~~ subsection (h) of K.S.A. 79-3615(h), 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 20<sup>th</sup> 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(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in ~~subsection (g) of~~ K.S.A. 79-3615(h), and amendments thereto;

(iiii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children's home for any such purpose which would be exempt from taxation under the provisions of this section

if purchased directly by Wichita children's home. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for Wichita children's home. When Wichita children's home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to Wichita children's home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided for in ~~subsection (h)~~ subsection (h) of K.S.A. 79-3615(h), and amendments thereto;

(jjjj) all sales of tangible personal property or services purchased by ~~or on behalf of~~ the beacon, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need; and

(kkkk) all sales of tangible personal property and services purchased by ~~or on behalf of~~ reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community.

Sec. 3. K.S.A. 2014 Supp. 79-3606 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 13, before the period by inserting "; sales and compensating use tax, exemptions; amending K.S.A. 2014 Supp. 79-3606 and repealing the existing section".

**S Sub HB 2109** be further amended by motion of Senator Holmes, on page 48, following line 5, by inserting:

"Sec. 2. K.S.A. 2014 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. 2014 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. 2014 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(c)(xv)~~, 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. 2014 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. 2014 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)(xiii)~~, 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. 2014 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. 2014 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. 2014 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. 2014 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. 2014 Supp. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining

taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For all taxable years beginning after December 31, 2012, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For all taxable years beginning after December 31, 2012, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income tax return.

(xxi) For all taxable years beginning after December 31, 2012, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For all taxable years beginning after December 31, 2012, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For all taxable years beginning after December 31, 2012, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 2014 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2014 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid

or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 2014 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2014 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2014 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. 2014 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For all taxable years beginning after December 31, 2012, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For all taxable years beginning after December 31, 2012, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of ~~paragraph (xix)~~ of subsection (b) ~~(xix)~~ attributable to the business in which the livestock sold had been used. As used in this paragraph, the term "livestock" shall not include poultry.

(xxiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city's home rule authority.

(xxiv) For all taxable years beginning after December 31, 2013, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

Sec. 3. K.S.A. 2014 Supp. 79-32,117 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 13, before the period by inserting "; income tax, subtraction modifications; amending K.S.A. 2014 Supp. 79-32,117 and repealing the existing section".

**S Sub HB 2109** be further amended by motion of Senator Baumgardner, as amended by Senate Committee, on page 48, following line 5, by inserting:

"Sec. 2. K.S.A. 79-5108 is hereby amended to read as follows: 79-5108. (a) The secretary of revenue shall provide county officials of the several counties with copies of manuals for the taxation of motor vehicles together with such other information and forms as may be necessary for the administration of the provisions of this act. The county officials of the several counties shall provide the secretary of revenue with such information as may be deemed necessary by the secretary for the proper administration of the provisions of this act.

(b) The amount of the tax levied upon each motor vehicle under the provisions of this act together with the taxable value computed under the provisions of K.S.A. 79-5105, and amendments thereto, for the purpose of computing such tax and such other information as the secretary of revenue shall determine to be necessary for the administration of this act shall be included upon the owner's motor vehicle registration application for such motor vehicle. If the taxable value of such vehicle is computed by the department of revenue, such department shall compute the tax and list the same upon such registration application. If the motor vehicle is classified by the county appraiser under the provisions of K.S.A. 79-5102 or 79-5103, and amendments thereto, the county appraiser shall determine the taxable value of such motor vehicle and compute the tax and list the same upon such registration application in the space provided for such purpose. The application shall also provide for the addition or inclusion of information by the taxpayer which is necessary for the determination of the tax situs of the motor vehicle.

(c) A copy of the motor vehicle registration application for an owner of a vehicle subject to registration under the provisions of K.S.A. 8-126 et seq., and amendments thereto, and subject to the tax imposed upon a motor vehicle pursuant to K.S.A. 79-5101 et seq., and amendments thereto, including all information required by such provisions to enable the owner to register the vehicle by completing the registration

application and to pay the tax by return mail, shall be mailed by the department of revenue to the address of the owner as shown by the records of the department no later than 45 days before the owner's registration and motor vehicle tax is due.

(d) The county treasurer shall at least once each week file with the county clerk that portion of all motor vehicle registration applications received in the treasurer's office showing the tax situs and other information relating to the taxation thereof under the provisions of this act. The county clerk shall at least 30 working days prior to the date upon which the county treasurer makes the current tax distribution and by December 15 for any tax distribution to be made in the month of December submit to the county treasurer a motor vehicle tax distribution abstract showing the total taxes collected under the provisions of this act to be distributed to the state and each taxing subdivision in the county ~~including the county as a taxing subdivision~~.

Sec. 3. K.S.A. 79-5108 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 13, before the period, by inserting "; motor vehicle taxation; amending K.S.A. 79-5108 and repealing the existing section"

Senator Abrams offered the following amendment on **S Sub HB 2109**, on page 48, following line 5, by inserting:

"New Sec. 2. (a) There is hereby established the joint committee on sales tax exemptions which shall be within the legislative branch of state government and which shall be composed of five senators and eight members of the house of representatives. The five senate members shall be the chairperson of the standing committee on assessment and taxation of the senate, or a member of such committee appointed by the chairperson, two members appointed by the president and two members appointed by the minority leader. The eight representative members shall be the chairperson of the standing committee on taxation of the house of representatives, or a member of such committee appointed by the chairperson, four members appointed by the speaker and three members appointed by the minority leader.

(b) All members of the joint committee on sales tax exemptions shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. On and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee and, after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. The chairperson and vice-chairperson of the joint committee shall serve in such capacities until the first day of the regular legislative session in the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of the chairperson or vice-chairperson, a member of the joint committee, who is a member of the same house as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy.

(c) The joint committee on sales tax exemptions may meet at any time and at any

place within the state on the call of the chairperson. Members of the joint committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such committee authorized by the legislative coordinating council.

(d) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on sales tax exemptions.

(e) The joint committee on sales tax exemptions may introduce such legislation as it deems necessary in performing its functions.

(f) The joint committee on sales tax exemptions shall:

(1) Review and make recommendations prior to January 1, 2017, regarding the appropriateness of every statutory sales tax exemption as to whether the exemption serves a necessary public purpose or is legally required pursuant to the constitution of the United States or the state of Kansas or other federal law; and

(2) make recommendations for the establishment of standards to be utilized in granting sales tax exemptions by the legislature.

(g) The joint committee on sales tax exemptions shall report to the legislature on or before January 1, 2017, any findings and recommendations concerning sales tax exemptions.

Sec. 3. K.S.A. 2014 Supp. 79-3234 is hereby amended to read as follows: 79-3234.

(a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, ~~subsection (g) of K.S.A. 46-1106(g)~~, K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof, except that such classification shall not prevent the publication of cost or identification or number of filers for income tax credits;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of ~~subsection (g) of K.S.A. 46-1106(g)~~ or

K.S.A. 46-1114, and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or economic incentive program administered by the secretary of commerce; (B) the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 2014 Supp. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 2014 Supp. 74-50,217, and amendments thereto; and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 2014 Supp. 74-50,215, and amendments thereto;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer's name, last known address and residency status to the Kansas department of wildlife, parks and tourism to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department for children and families for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;

(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax

returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas parimutuel racing act;

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported compensation is in compliance with the Kansas public employees retirement act, K.S.A. 74-4901 et seq., and amendments thereto;

(13) (i) provide taxpayer information of persons suspected of violating K.S.A. 2014 Supp. 44-766, and amendments thereto, to the secretary of labor or such secretary's designee for the purpose of determining compliance by any person with the provisions of ~~subsection (i)(3)(D) of K.S.A. 44-703(i)(3)(D)~~ and K.S.A. 2014 Supp. 44-766, and amendments thereto. The information to be provided shall include all relevant information in the possession of the department of revenue necessary for the secretary of labor to make a proper determination of compliance with the provisions of ~~subsection (i)(3)(D) of K.S.A. 44-703(i)(3)(D)~~ and K.S.A. 2014 Supp. 44-766, and amendments thereto, and to calculate any unemployment contribution taxes due. Such information to be provided by the department of revenue shall include, but not be limited to, withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto, and the results or status of such audit or investigation;

(ii) any person receiving tax information under the provisions of this paragraph shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality; and

(iii) each of the secretary of labor and the secretary of revenue may adopt rules and regulations necessary to effect the provisions of this paragraph;

(14) provide such information to the state treasurer for the sole purpose of carrying out the provisions of K.S.A. 58-3934, and amendments thereto. Such information shall be limited to current and prior addresses of taxpayers or associated persons who may have knowledge as to the location of an owner of unclaimed property. For the purposes of this paragraph, "associated persons" includes spouses or dependents listed on income tax returns; and

(15) after receipt of information pursuant to subsection (f), forward such information and provide the following reported Kansas individual income tax information for each listed defendant, if available, to the state board of indigents' defense services in an electronic format and in the manner determined by the secretary: (A) The defendant's name; (B) social security number; (C) Kansas adjusted gross income; (D) number of exemptions claimed; and (E) the relevant tax year of such records. Any social security number provided to the secretary and the state board of indigents' defense services pursuant to this section shall remain confidential.

(d) Any person receiving information under the provisions of subsection (c) shall

be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) For the purpose of determining whether a defendant is financially able to employ legal counsel under the provisions of K.S.A. 22-4504, and amendments thereto, in all felony cases with appointed counsel where the defendant's social security number is accessible from the records of the district court, the court shall electronically provide the defendant's name, social security number, district court case number and county to the secretary of revenue in the manner and format agreed to by the office of judicial administration and the secretary.

(g) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect on September 1, 1996, and amendments thereto, related federal internal revenue rules or regulations, or other federal law.

Sec. 4. K.S.A. 2014 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(a), 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 \$60,000 .....	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000.....	\$2,925 plus 6.45% of excess over \$60,000

(B) For tax year 2013:

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 year 2014:

If the taxable income is:	The tax is:
Not over \$30,000.....	2.7% of Kansas taxable income
Over \$30,000.....	\$810 plus 4.8% of excess over \$30,000

(D) For tax year 2015:

If the taxable income is:	The tax is:
Not over \$30,000.....	<del>2.7%</del> 2.6% of Kansas taxable income

Over \$30,000.....~~\$810~~\$780 plus ~~4.6%~~ 4.5% of excess over \$30,000

(E) For tax year 2016:

If the taxable income is:	The tax is:
Not over \$30,000.....	<del>2.4%</del> <u>2.3%</u> of Kansas taxable income
Over \$30,000.....	<del>\$720</del> <u>\$690</u> plus <del>4.6%</del> <u>4.45%</u> of excess over \$30,000

(F) For tax year 2017:

If the taxable income is:	The tax is:
Not over \$30,000.....	<del>2.3%</del> <u>2.2%</u> of Kansas taxable income
Over \$30,000.....	<del>\$690</del> <u>\$660</u> plus <del>4.6%</del> <u>4.45%</u> 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.....	<del>2.3%</del> <u>2.05%</u> of Kansas taxable income
Over \$30,000.....	<del>\$690</del> <u>\$615</u> plus <del>3.9%</del> <u>3.85%</u> 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:

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 year 2014:

If the taxable income is:	The tax is:
Not over \$15,000.....	2.7% of Kansas taxable income
Over \$15,000.....	\$405 plus 4.8% of excess over \$15,000

(D) For tax year 2015:

If the taxable income is:	The tax is:
Not over \$15,000.....	<del>2.7%</del> <u>2.6%</u> of Kansas taxable income
Over \$15,000.....	<del>\$405</del> <u>\$390</u> plus <del>4.6%</del> <u>4.5%</u> of excess over \$15,000

(E) For tax year 2016:  
 If the taxable income is: The tax is:  
 Not over \$15,000..... ~~2.4%~~2.3% of Kansas taxable income  
 Over \$15,000..... ~~\$360~~\$345 plus ~~4.6%~~4.45% of excess over  
 \$15,000

(F) For tax year 2017:  
 If the taxable income is: The tax is:  
 Not over \$15,000..... ~~2.3%~~2.2% of Kansas taxable income  
 Over \$15,000..... ~~\$345~~\$330 plus ~~4.6%~~4.45% 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%~~2.05% of Kansas taxable income  
 Over \$15,000..... ~~\$345~~\$307.50 plus ~~3.9%~~3.85% of excess over  
 \$15,000

(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%~~1.35% 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)~~ paragraph (2) of subsection (a) hereof.

(e) Tax rates provided in this section shall be adjusted pursuant to the provisions of K.S.A. 2014 Supp. 79-32,269, and amendments thereto.

Sec. 5. K.S.A. 2014 Supp. 79-32,120 is hereby amended to read as follows: 79-32,120. (a) (1) 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.

(2) For the tax year commencing on January 1, 2013, 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, 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~~ years commencing on and after January 1, 2015, the Kansas itemized deduction of an individual means ~~60% of the total amount of following~~ deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code and with the modifications specified in this section: (A) 100% of contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 50% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (C) 50% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.

~~(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.~~

(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. 2014 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 total 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. 2014 Supp. 79-3603, as amended by section 20 of 2015 Senate Substitute for House Bill No. 2155, 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 6.15%, and commencing July 1, 2015, at the rate of 5.95%. 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. 2014 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. 2014 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 prior to July 1, 2018, 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, prior to July 1, 2018, 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 prior to July 1, 2018, upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to K.S.A. 79-201 *Ninth*, 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 prior to July 1, 2018, upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to K.S.A. 79-201 *Eighth* and *Ninth*, 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 prior to July 1, 2018, 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; (2) the transfer of motor vehicles or trailers prior to July 1, 2018, 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 prior to July 1, 2015, 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 paragraph (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 K.S.A. 79-5105(a), (b)(1) and (b)(2), 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 prior to July 1, 2018, 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. 2014 Supp. 79-3673, and amendments thereto;

(v) all sales of bingo cards, bingo faces and instant bingo tickets by licensees under section 1 of 2015 Senate Substitute for House Bill No. 2155, et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section prior to July 1, 2015; and

(w) all sales of charitable raffle tickets in accordance with section 1 of 2015 Senate Substitute for House Bill No. 2155, et seq., and amendments thereto, shall be exempt

from taxes imposed pursuant to this section prior to July 1, 2018.

Sec. 7. K.S.A. 2014 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 prior to July 1, 2015, directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any ~~public or private nonprofit hospital or public hospital authority~~, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such ~~hospital or public hospital authority~~, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political

subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), ~~public or private nonprofit hospital or public hospital authority~~, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), ~~hospital or public hospital authority~~, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), ~~hospital or public hospital authority~~, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in ~~subsection (g) of~~

K.S.A. 79-3615(h), and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in ~~subsection (g)~~ of K.S.A. 79-3615(h), 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 (e)~~ of K.S.A. 79-3603(o), and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by ~~subsection (e)~~ of K.S.A. 74-5807(c), 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. 2014 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 prior to July 1, 2015; (2) for agricultural use and also, for such use, all sales of propane gas prior to July 1, 2015; (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* prior to July 1, 2015. As used in this paragraph, "severing" shall have the meaning ascribed thereto by ~~subsection (k) of K.S.A. 79-4216(k)~~, 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~~ prior to July 1, 2015, 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(h), 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 prior to July 1, 2015, 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 prior to July 1, 2015. 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 prior to July 1, 2015, 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 prior to July 1, 2015; and

(C) all sales of repair and replacement parts and accessories purchased prior to July 1, 2015, 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; (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); (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(II) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their

families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's disease and related disorders association, inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or

the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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(h), 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 prior to July 1, 2015, 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 20<sup>th</sup> 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(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate

to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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(h), 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 prior to July 1, 2015, 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 prior to July 1, 2015, of installation, repair and maintenance services performed on such machinery and equipment; and all sales prior to July 1, 2015, 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 20<sup>th</sup> 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(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west Sedgwick county-sunrise rotary club and sunrise charitable fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other

benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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~~(h)~~, 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in ~~subsection (g) of~~ K.S.A. 79-3615(h), and amendments thereto;

(iiii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children's home for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for Wichita children's home. When Wichita children's home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for

incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to Wichita children's home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided for in ~~subsection (h)~~ subsection (h) of K.S.A. 79-3615(h), and amendments thereto;

(jjjj) all sales of tangible personal property or services purchased by or on behalf of the beacon, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need; ~~and~~

(kkkk) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community; and

(llll) except for subsections (a), (k), (l), (m), (n) and (o), or as otherwise provided, the provisions of this section shall not apply after June 30, 2018.

Sec. 8. K.S.A. 2014 Supp. 79-3620 is hereby amended to read as follows: 79-3620. K.S.A. 2014 Supp. 79-3620 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  $\frac{5}{798}$  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  $\frac{5}{7406}$  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  $\frac{19}{7265}$  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  $\frac{13}{7406}$  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)(2) 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)(3) 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.~~

~~(8)(4) On July 1, 2013, and thereafter, the state treasurer shall credit 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 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

(5) On July 1, 2015, the state treasurer shall credit 14.565% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.95%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2016, and thereafter, the state treasurer shall credit 14.610% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.95%, 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. 2014 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. 2014 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(d)~~, 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 (e) of K.S.A. 79-3603(c)~~, 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(e)~~, 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(oo)~~, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191<sup>st</sup> 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, 183<sup>rd</sup> 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. 2014 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 6.15%, and commencing July 1, 2015, at the rate of 5.95%. 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. 10. K.S.A. 2014 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  $\frac{5}{100}$  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  $\frac{5}{100}$  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)~~(2) 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)~~(3) 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.

~~(8)(4)~~ On July 1, 2013, and thereafter, the state treasurer shall credit 17.073% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2015, the state treasurer shall credit 14.565% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.95%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2016, and thereafter, the state treasurer shall credit 14.610% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.95%, 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(d)~~, 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(d)~~, 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(z)~~, and amendments thereto.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by ~~subsection (e) of K.S.A. 79-3603(c)~~, 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(e)~~, 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(oo)~~, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191<sup>st</sup> 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, 183<sup>rd</sup> 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. 11. K.S.A. 2014 Supp. 79-3234, 79-32,110, 79-32,120, 79-3603, as amended by section 20 of 2015 Senate Substitute for House Bill No. 2155, 79-3606, 79-3620, 79-3703 and 79-3710 are hereby repealed.

And by renumbering sections accordingly;

On page 1, in the title, in line 13, before the period, by inserting "; sales and compensating use tax, exemptions, rates, distribution thereof; creating the joint committee on sales tax exemptions; income tax, rates, itemized deductions; amending K.S.A. 2014 Supp. 79-3234, 79-32,110, 79-32,120, 79-3603, as amended by section 20 of 2015 Senate Substitute for House Bill No. 2155, 79-3606, 79-3620, 79-3703 and 79-3710 and repealing the existing sections".

In accordance with Senate Rule 27, Senator Hensley moved to divide the question (amendment).

Part 1 contains sales tax rates and distribution thereof and is contained in sections 6, and sections 8-10. Part one was retained by voice vote.

Part 2 is the balance of the amendment not specified in Part 1.

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

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

Yeas: Abrams, Fitzgerald, Holmes, Knox, Lynn, Masterson, Melcher, Pilcher-Cook, Smith.

Nays: Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, LaTurner, Longbine, Love, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, Schmidt, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Arpke.

Part 2 of the amendment was not retained.

Having voted on the prevailing side, Senator Kelly moved the Senate reconsider its previous action on the amendment offered by Senator Tyson. Senator Kelly withdrew her motion.

**S Sub HB 2109** retains a place on the calendar.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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On motion of Senator Bruce, the Senate adjourned until 11:00 a.m., Monday, June 1, 2015.

# Journal of the Senate

SEVENTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, June 1, 2015, 11:00 a.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 38 senators present.  
Senators Arpke and Wilborn were excused.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, When the man that You created made the decision to choose wrongly, (Genesis 2:16-17, 3:6), a leaning...a bent toward wrong choices, has plagued us...and has plagued our world ever since. The bias of nature has been toward the wild (Gen. 3:17-18). Like a lawn which is left to itself, will go to weeds; like a child that is left to itself, will go astray, naturally a leader without Your guidance will go awry. In Proverbs 3:5-7, You made it clear that we are to trust You and NOT lean on or follow the natural bent of our own understanding. You said that in ALL our ways we should acknowledge You and that You would direct us. Emphatically, You said we are NOT to be wise in our own eyes. So, Lord, please don't leave us to ourselves. Like the gardener that intervenes to prevent the natural decline of the lawn, intervene here as we move about in making decisions. Without Your intervention, the decisions we make follow the dangerous course of the natural. But when You step in, the results will be super natural. So Lord, have Your way in this place. And don't leave us to ourselves. In the dear name of Jesus. Amen

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

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **SB 311**.

## MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub SB 12**.

On motion of Senator Bruce the Senate recessed until 2:00 p.m.

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

On motion of Senator Bruce the Senate recessed until 3:00 p.m.

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

### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2005**.

### ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 12**.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 12** 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. 12, as follows:

On page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 8;

On page 9, by striking all in lines 1 through 4; following line 4, by inserting:

"Section 1. K.S.A. 59-29a01 is hereby amended to read as follows: 59-29a01. (a) The legislature finds that there exists an extremely dangerous group of sexually violent predators who have a mental abnormality or personality disorder and who are likely to engage in repeat acts of sexual violence if not treated for their mental abnormality or personality disorder. Because the existing civil commitment procedures under K.S.A. 59-2901 et seq., and amendments thereto, are inadequate to address the special needs of sexually violent predators and the risks they present to society, the legislature determines that a separate involuntary civil commitment process for the potentially long-term control, care and treatment of sexually violent predators is necessary. The legislature also determines that because of the nature of the mental abnormalities or personality disorders from which sexually violent predators suffer and the dangers they present, it is necessary to house involuntarily committed sexually violent predators in an environment separate from persons involuntarily committed under K.S.A. 59-2901 et seq., and amendments thereto.

(b) Notwithstanding any other evidence of legislative intent, it is hereby declared that any time requirements set forth in K.S.A. 59-29a01 et seq., and amendments thereto, either as originally enacted or as amended, are intended to be directory and not mandatory and serve as guidelines for conducting proceedings under K.S.A. 59-29a01 et seq., and amendments thereto.

(c) The provisions of K.S.A. 59-29a01 et seq. and amendments thereto, shall be known and may be cited as the Kansas sexually violent predator act.

Sec. 2. K.S.A. 59-29a03 is hereby amended to read as follows: 59-29a03. (a) When it appears that a person may meet the criteria of a sexually violent predator as defined in K.S.A. 59-29a02, and amendments thereto, the agency with jurisdiction shall give written notice of such to the attorney general and the multidisciplinary team established

in subsection ~~(d)~~ (f), 90 days prior to:

(1) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense, except that in the case of persons who are returned to prison for no more than 90 days as a result of revocation of postrelease supervision, written notice shall be given as soon as practicable following the person's readmission to prison;

(2) release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to K.S.A. 22-3305, and amendments thereto;

(3) release of a person who has been found not guilty by reason of insanity of a sexually violent offense pursuant to K.S.A. 22-3428, and amendments thereto; or

(4) release of a person who has been found not guilty of a sexually violent offense pursuant to K.S.A. 22-3428, and amendments thereto, and the jury who returned the verdict of not guilty answers in the affirmative to the special question asked pursuant to K.S.A. 22-3221, and amendments thereto.

(b) The agency with jurisdiction shall inform the attorney general and the multidisciplinary team established in subsection ~~(d)~~ (f) of the following:

(1) The person's name, identifying factors, anticipated future residence and offense history; and

(2) documentation of institutional adjustment and any treatment received.

(c) Any reports of evaluations prepared or provided pursuant to subsection (b) shall demonstrate that the person evaluated was informed of the following: (1) The nature and purpose of the evaluation; and (2) that the evaluation will not be confidential and that any statements made by the person and any conclusions drawn by the evaluator may be disclosed to a court, the detained person's attorney, the prosecutor and the trier of fact at any proceeding conducted under the Kansas sexually violent predator act.

(d) The permitted disclosures required to be submitted to the attorney general under this section shall be deemed to be in response to the attorney general's civil demand for relevant and material information to investigate whether a petition shall be filed. The information provided shall be specific to the purposes of the Kansas sexually violent predator act and as limited in scope as reasonably practicable.

~~(e)~~ (e) The agency with jurisdiction, its employees, officials, members of the multidisciplinary team established in subsection ~~(d)~~ (f), members of the prosecutor's review committee appointed as provided in subsection ~~(e)~~ (g) and individuals contracting, appointed or volunteering to perform services hereunder shall be immune from liability for any good-faith conduct under this section.

~~(f)~~ (f) The secretary of corrections shall establish a multidisciplinary team which may include individuals from other state agencies to review available records of each person referred to such team pursuant to subsection (a). The team shall include the mental health professional who prepared any evaluation, interviewed the person or made any recommendation to the attorney general. The team, ~~within 30 days of receiving notice,~~ shall assess whether or not the person meets the definition of a sexually violent predator, as established in K.S.A. 59-29a02, and amendments thereto. The team shall notify the attorney general of its assessment.

~~(g)~~ (g) The attorney general shall appoint a prosecutor's review committee to review the records of each person referred to the attorney general pursuant to subsection (a). The prosecutor's review committee shall assist the attorney general in the

determination of whether or not the person meets the definition of a sexually violent predator. The assessment of the multidisciplinary team shall be made available to the attorney general and the prosecutor's review committee.

~~(f)~~ (h) The provisions of this section are not jurisdictional and failure to comply with such provisions not affecting constitutional rights in no way prevents the attorney general from proceeding against a person otherwise subject to the ~~provision of K.S.A. 59-29a01 et seq. and amendments thereto~~ provisions of the Kansas sexually violent predator act.

Sec. 3. K.S.A. 2014 Supp. 59-29a04 is hereby amended to read as follows: 59-29a04. (a) ~~When it appears that the person presently confined may be a sexually violent predator and the prosecutor's review committee, appointed as provided in subsection (e) of K.S.A. 59-29a03(g), and amendments thereto, has determined that the person meets the definition of a sexually violent predator, the attorney general, within 75 days of the date the attorney general received the written notice by the agency of jurisdiction as provided in subsection (a) of K.S.A. 59-29a03(a), and amendments thereto, may file a petition in the county where the person was convicted of or charged with a sexually violent offense alleging that the person is a sexually violent predator and stating sufficient facts to support such allegation.~~

(b) Notwithstanding the provisions of subsection (a), when the person named in the petition is a person who has been convicted of or charged with a federal or other state offense that under the laws of this state would be a sexually violent offense, as defined in K.S.A. 59-29a02, and amendments thereto, the attorney general may file the petition in the county where the person now resides, was charged or convicted of any offense, or was released.

(c) Service of the petition on the attorney appointed or hired to represent the person shall be deemed sufficient service.

~~(b)~~ (d) The provisions of this section are not jurisdictional, and failure to comply with such provisions not affecting constitutional rights in no way prevents the attorney general from proceeding against a person otherwise subject to the ~~provision of K.S.A. 59-29a01 et seq. and amendments thereto~~ provisions of the Kansas sexually violent predator act.

~~(e)~~ (e) Whenever a determination is made regarding whether a person may be a sexually violent predator, the county responsible for the costs incurred, including, but not limited to, costs of investigation, prosecution, defense, juries, witness fees and expenses, expert fees and expenses and other expenses related to determining whether a person may be a sexually violent predator, shall be reimbursed for such costs by the office of the attorney general from the sexually violent predator expense fund. The attorney general shall develop and implement a procedure to provide such reimbursements. If there are no moneys available in such fund to pay any such reimbursements, the county may file a claim against the state pursuant to article 9 of chapter 46, of the Kansas Statutes Annotated, and amendments thereto.

(f) The person against whom a petition is filed shall be responsible for the costs of the medical care and treatment provided or made accessible by the governmental entity having custody, and the governmental entity having custody may seek reimbursement from the person against whom a petition has been filed for such costs.

(g) Pre-commitment proceedings, post-commitment proceedings, including conditional release and final discharge and other court proceedings are civil in nature.

Such proceedings shall follow the procedures set forth in chapter 60 of the Kansas Statutes Annotated, and amendments thereto, except as expressly provided elsewhere in the Kansas sexually violent predator act.

Sec. 4. K.S.A. 2014 Supp. 59-29a04a is hereby amended to read as follows: 59-29a04a. (a) There is hereby created in the state treasury the sexually violent predator expense fund which shall be administered by the attorney general. All moneys credited to such fund shall be used to reimburse counties under:

(1) K.S.A. 59-29a04, and amendments thereto, responsible for the costs related to determining whether a person may be a sexually violent predator; and

(2) K.S.A. 2014 Supp. 59-29a23, and amendments thereto, for the costs related to a person filing a petition pursuant to K.S.A. 60-1501 et seq., and amendments thereto; civil action relating to the civil commitment pursuant to K.S.A. 59-29a01 et seq., and amendments thereto the Kansas sexually violent predator act.

(b) All expenditures from the sexually violent predator expense fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee.

Sec. 5. K.S.A. 2014 Supp. 59-29a05 is hereby amended to read as follows: 59-29a05. (a) Upon filing of a petition under K.S.A. 59-29a04, and amendments thereto, the judge shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If such determination is made, the judge shall:

(1) Direct that person be taken into custody and detained in the county jail until such time as a determination is made that the person is a sexually violent predator subject to commitment under the Kansas sexually violent predator act; and

(2) file a protective order permitting disclosures of protected health information to the parties, their counsel, evaluators, experts and others necessary to the litigation during the course of the proceedings subject to the Kansas sexually violent predator act.

(b) Within 72 hours after a person is taken into custody pursuant to subsection (a), or as soon as reasonably practicable or agreed upon by the parties, such person shall be provided with notice of, and an opportunity to appear in person at, a hearing to contest probable cause as to whether the detained person is a sexually violent predator. At this hearing the court shall: (1) Verify the detainer's identity; and (2) determine whether probable cause exists to believe that the person is a sexually violent predator. The state may rely upon the petition and supplement the petition with additional documentary evidence or live testimony.

(c) At the probable cause hearing as provided in subsection (b), the detained person shall have the following rights in addition to the rights previously specified: (1) To be represented by counsel; (2) to present evidence on such person's behalf; (3) to cross-examine witnesses who testify against such person; and (4) to view and copy all petitions and reports in the court file.

(d) If the probable cause determination is made, the court shall order that the person be transferred to an appropriate secure facility, including, but not limited to, a county jail, for an evaluation as to whether the person is a sexually violent predator. The evaluation ordered by the court shall be conducted by a person deemed to be professionally qualified to conduct such an examination.

(e) The person conducting the evaluation ordered by the court pursuant to this

section shall notify the detained person of the following: (1) The nature and purpose of the evaluation; and (2) that the evaluation will not be confidential and that any statements made by the detained person and any conclusions drawn by the evaluator, will be disclosed to the court, the detained person's attorney, the prosecutor and the trier of fact at any proceeding conducted under ~~K.S.A. 59-29a01 et seq. and amendments thereto~~ the Kansas sexually violent predator act.

Sec. 6. K.S.A. 2014 Supp. 59-29a06 is hereby amended to read as follows: 59-29a06. (a) Within 60 days after the completion of any hearing held pursuant to K.S.A. 59-29a05, and amendments thereto, the court shall ~~conduct a trial set the matter for a~~ pretrial conference to establish a mutually agreeable date for trial to determine whether the person is a sexually violent predator. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice and when the respondent will not be substantially prejudiced.

(b) ~~At all stages of the proceedings under K.S.A. 59-29a01 et seq., and amendments thereto, any person subject to K.S.A. 59-29a01 et seq., and amendments thereto, In proceedings under this section, the person shall be entitled to the assistance of counsel and an independent examination pursuant to K.S.A. 60-235, and amendments thereto, and if the person is indigent, the court shall appoint counsel to assist such person. Whenever any person is subjected to an examination under K.S.A. 59-29a01 et seq., and amendments thereto, such person may retain experts or professional persons to perform an examination of such person's behalf. When the person wishes to be examined by a qualified expert or professional person of such person's own choice, such~~ pursuant to K.S.A. 60-235, and amendments thereto, the examiner shall be permitted to have reasonable access to the person for the purpose of such examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court, upon the person's request, shall determine whether the services are necessary and reasonable compensation for such services. If the court determines that the services are necessary and the expert or professional person's examiner's requested compensation for such services is reasonable, the court shall assist the person in obtaining an expert or professional person examiner to perform an examination or participate in the trial on the person's behalf. The court shall approve payment for such services upon the filing of a certified claim for compensation supported by a written statement specifying the time expended, services rendered, expenses incurred on behalf of the person and compensation received in the same case or for the same services from any other source.

(c) Notwithstanding K.S.A. 60-456, and amendments thereto, at any proceeding conducted under ~~K.S.A. 59-29a01 et seq., and amendments thereto~~ the Kansas sexually violent predator act, the parties shall be permitted to call expert witnesses. The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. If the facts or data are of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, such facts and data need not be admissible in evidence in order for the opinion or inference to be admitted.

(d) The person, the attorney general, or the judge shall have the right to demand that the trial be before a jury. Such demand for the trial to be before a jury shall be filed, in writing, at least four days prior to trial. Number and selection of jurors shall be determined as provided in K.S.A. 22-3403, and amendments thereto. If no demand is

made, the trial shall be before the court.

(e) A jury shall consist of 12 jurors unless the parties agree in writing with the approval of the court that the jury shall consist of any number of jurors less than 12 jurors. The person and the attorney general shall each have eight peremptory challenges, or in the case of a jury of less than 12 jurors, a proportionally equal number of peremptory challenges.

(f) ~~The provisions of this section are not jurisdictional and failure to comply with such provisions in no way prevents the attorney general from proceeding against a person otherwise subject to the provision of K.S.A. 59-29a01 et seq. and amendments thereto. Notwithstanding any other provision of law to the contrary, the provisions of this section relating to jury trials shall not apply to proceedings for annual review or proceedings on a petition for transitional release, conditional release or final discharge.~~

Sec. 7. K.S.A. 2014 Supp. 59-29a07 is hereby amended to read as follows: 59-29a07. (a) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If such determination that the person is a sexually violent predator is made by a jury, such determination shall be by unanimous verdict of such jury. Such determination may be appealed in the manner provided for civil cases in article 21 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto. If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the secretary for aging and disability services for control, care and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person is safe to be at large. Such control, care and treatment shall be provided at a facility operated by the Kansas department for aging and disability services.

(b) At all times, persons committed for control, care and treatment by the Kansas department for aging and disability services pursuant to ~~K.S.A. 59-29a01 et seq., and amendments thereto,~~ the Kansas sexually violent predator act shall be kept in a secure facility and such persons shall be segregated at all times on different units from any other patient under the supervision of the secretary for aging and disability services and commencing June 1, 1995, such persons committed pursuant to ~~K.S.A. 59-29a01 et seq., and amendments thereto,~~ the Kansas sexually violent predator act shall be kept in a facility or building separate from any other patient under the supervision of the secretary. The provisions of this subsection shall apply to any facility or building utilized in any transitional release program or conditional release program.

(c) The Kansas department for aging and disability services is authorized to enter into an interagency agreement with the department of corrections for the confinement of such persons. Such persons who are in the confinement of the secretary of corrections pursuant to an interagency agreement shall be housed and managed separately from offenders in the custody of the secretary of corrections, and except for occasional instances of supervised incidental contact, shall be segregated from such offenders.

(d) If any person while committed to the custody of the secretary pursuant to ~~K.S.A. 59-29a01 et seq., and amendments thereto,~~ the Kansas sexually violent predator act shall be taken into custody by any law enforcement officer as defined in K.S.A. 2014 Supp. 21-5111, and amendments thereto, pursuant to any parole revocation proceeding or any arrest or conviction for a criminal offense of any nature, upon the person's release from the custody of any law enforcement officer, the person shall be returned to the custody of the secretary for further treatment pursuant to ~~K.S.A. 59-~~

~~29a01 et seq., and amendments thereto~~ the Kansas sexually violent predator act. During any such period of time a person is not in the actual custody or supervision of the secretary, the secretary shall be excused from the provisions of K.S.A. 59-29a08, and amendments thereto, with regard to providing that person an annual examination, annual notice and annual report to the court, except that the secretary shall give notice to the court as soon as reasonably possible after the taking of the person into custody that the person is no longer in treatment pursuant to ~~K.S.A. 59-29a01 et seq., and amendments thereto~~, the Kansas sexually violent predator act and notice to the court when the person is returned to the custody of the secretary for further treatment.

(e) If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct the person's release.

(f) Upon a mistrial, the court shall direct that the person be held at an appropriate secure facility, including, but not limited to, a county jail, until another trial is conducted. Any subsequent trial following a mistrial shall be held within 90 days of the previous trial, unless such subsequent trial is continued as provided in K.S.A. 59-29a06, and amendments thereto.

(g) If the person charged with a sexually violent offense has been found incompetent to stand trial and is about to be released pursuant to K.S.A. 22-3305 and amendments thereto and such person's commitment is sought pursuant to subsection (a), the court shall first hear evidence and determine whether the person did commit the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on such person's own behalf, the extent to which the evidence could be reconstructed without the assistance of the person and the strength of the prosecution's case. If after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, the court shall enter a final order, appealable by the person, on that issue and may proceed to consider whether the person should be committed pursuant to this section.

Sec. 8. K.S.A. 2014 Supp. 59-29a08 is hereby amended to read as follows: 59-29a08. (a) Each person committed under ~~K.S.A. 59-29a01 et seq., and amendments thereto~~, the Kansas sexually violent predator act shall have a current examination of the person's mental condition made once every year. The secretary shall provide the committed person with an annual written notice of the person's right to petition the court for release over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall also forward the annual report, as well as the annual notice and waiver form, to the court that committed the person under ~~K.S.A. 59-29a01 et seq., and amendments thereto~~, the Kansas sexually violent predator act. The person may retain, or if the person is indigent and so requests the court may appoint a qualified professional person to examine such person, and such expert or professional person shall have access to all records concerning the person. The court that committed the person under ~~K.S.A. 59-29a01 et seq., and amendments thereto~~, the Kansas sexually

violent predator act shall then conduct an annual review of the status of the committed person's mental condition. The committed person shall have a right to have an attorney represent the person at the hearing but the person is not entitled to be present at the hearing.

(b) Nothing contained in ~~K.S.A. 59-29a01 et seq., and amendments thereto,~~ the Kansas sexually violent predator act shall prohibit the person in conditional release from otherwise petitioning the court for discharge ~~at this~~ the annual review hearing.

(c) ~~(+)~~ If the court at the annual review hearing determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is safe to be placed in transitional release, then the court shall set a hearing on the issue.

~~(2) The court may order and hold a hearing when:~~

~~(A) There is current evidence from an expert or professional person that an identified physiological change to the committed person, such as paralysis, stroke or dementia, that renders the committed person unable to commit a sexually violent offense and this change is permanent; and~~

~~(B) the evidence presents a change in condition since the person's last hearing.~~

~~(3) At either hearing,~~ The committed person shall be entitled to be present and entitled to the benefit of all constitutional protections that were afforded the person ~~at the initial commitment proceeding pursuant to K.S.A. 59-29a06, and amendments thereto.~~ The attorney general shall represent the state and shall have a right ~~to a jury trial and~~ to have the committed person evaluated by experts chosen by the state. The committed person shall also have the right to have experts evaluate the person on the person's behalf and the court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at ~~either hearing~~ the hearing for transitional release shall be upon the state to prove beyond a reasonable doubt that the committed person's mental abnormality or personality disorder remains such that the person is not safe to be placed in transitional release and if transitionally released is likely to engage in acts of sexual violence.

(d) If, after the hearing, the court ~~or jury~~ is convinced beyond a reasonable doubt that the person is not appropriate for transitional release, the court shall order that the person remain in secure commitment. Otherwise, the court shall order that the person be placed in transitional release.

(e) If the court determines that the person should be placed in transitional release, the secretary shall transfer the person to the transitional release program. The secretary may contract for services to be provided in the transitional release program. During any period the person is in transitional release, that person shall comply with any rules or regulations the secretary may establish for this program and every directive of the treatment staff of the transitional release program.

(f) At any time during which the person is in the transitional release program and the treatment staff determines that the person has violated any rule, regulation or directive associated with the transitional release program, the treatment staff may remove the person from the transitional release program and return the person to the secure commitment facility, or may request the district court to issue an emergency ex parte order directing any law enforcement officer to take the person into custody and return the person to the secure commitment facility. Any such request may be made verbally or by telephone, but shall be followed in written, facsimile or electronic form

delivered to the court by not later than 5:00 p.m. of the first day the district court is open for the transaction of business after the verbal or telephonic request was made.

(g) Upon the person being returned to the secure commitment facility from the transitional release program, notice thereof shall be given by the secretary to the court. The court shall set the matter for a hearing within two working days of receipt of notice of the person's having been returned to the secure commitment facility and cause notice thereof to be given to the attorney general, the person and the secretary. The attorney general shall have the burden of proof to show probable cause that the person violated conditions of transitional release. The hearing shall be to the court. At the conclusion of the hearing the court shall issue an order returning the person to the secure commitment facility or to the transitional release program, and may order such other further conditions with which the person must comply if the person is returned to the transitional release program.

Sec. 9. K.S.A. 59-29a10 is hereby amended to read as follows: 59-29a10. (a) If the secretary determines that the person's mental abnormality or personality disorder has so changed that the person is not likely to engage in repeat acts of sexual violence if placed in transitional release, the secretary shall authorize the person to petition the court for transitional release. The petition shall be served upon the court and the attorney general. The court, upon receipt service of the petition for transitional release, shall order issue notice of a hearing to be scheduled within 30 days. The attorney general shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of such attorney's choice. ~~The hearing shall be before a jury if demanded by either the petitioner or the attorney general.~~ The burden of proof shall be upon the attorney general to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and that if placed in transitional release is likely to engage in repeat acts of sexual violence.

(b) If, after the hearing, the court is convinced beyond a reasonable doubt that the person is not appropriate for sufficiently safe to warrant transitional release, the court shall order that the person remain in secure commitment. Otherwise, the court shall order that the person be placed in transitional release.

(c) The provisions of ~~subsections (e), (f) and (g) of K.S.A. 59-29a08(e), (f) and (g),~~ and amendments thereto, shall apply to a transitional release pursuant to this section.

Sec. 10. K.S.A. 2014 Supp. 59-29a11 is hereby amended to read as follows: 59-29a11. (a) ~~Nothing in this act shall prohibit a person from filing a petition for transitional release, conditional release or final discharge pursuant to this act. However,~~ If a person has previously filed a petition for transitional release, conditional release or final discharge without the secretary for aging and disability services approval and the court determined either upon review of the petition or following a hearing, that the petitioner's person's petition was frivolous or that the petitioner's person's condition had not so changed that the person was safe significantly changed so that it is safe for the person to be at large, then the court shall deny the subsequent petition, unless the petition contains facts upon which a court could find the condition of the petitioner had so changed significantly changed so that a hearing was warranted. Upon receipt of a first or subsequent petition from committed persons without the secretary's approval, the court shall endeavor whenever possible to review the petition and determine if the petition is based upon frivolous grounds and if so shall deny the petition without a

hearing.

(b) No transitional release or conditional release facility or building shall be located within 2,000 feet of a licensed child care facility, an established place of worship, any residence in which a child under 18 years of age resides, or the real property of any school upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any grades one through 12. This subsection shall not apply to any state institution or facility.

(c) Transitional release or conditional release facilities or buildings shall be subject to all regulations applicable to other property and buildings located in the zone or area that are imposed by any municipality through zoning ordinance, resolution or regulation, such municipality's building regulatory codes, subdivision regulations or other nondiscriminatory regulations.

(d) On and after ~~January 1, 2009~~ July 1, 2015, the secretary for aging and disability services shall place no more than ~~eight~~ 16 sexually violent predators in any one county on transitional release or conditional release.

(e) The secretary for aging and disability services shall submit an annual report to the governor and the legislature during the first week of the regular legislative session detailing activities related to the transitional release and conditional release of sexually violent predators. The report shall include the status of such predators who have been placed in transitional release or conditional release including the number of any such predators and their locations; information regarding the number of predators who have been returned to the sexually violent predator treatment program at Larned state hospital along with the reasons for such return; and any plans for the development of additional transitional release or conditional release facilities.

Sec. 11. K.S.A. 2014 Supp. 59-29a22 is hereby amended to read as follows: 59-29a22. (a) As used in this section:

(1) "~~Patient Person~~" means any individual:

(A) Who is receiving services for mental illness and who is admitted, detained, committed, transferred or placed in the custody of the secretary for aging and disability services under the authority of K.S.A. 22-3219, 22-3302, 22-3303, 22-3428a, 22-3429, 22-3430, 59-29a05, 75-5209 and 76-1306, and amendments thereto.

(B) In the custody of the secretary for aging and disability services after being found a sexually violent predator pursuant to ~~K.S.A. 59-29a01 et seq., and amendments thereto~~ the Kansas sexually violent predator act, including any sexually violent predator placed on transitional release.

(2) "Restraints" means the application of any devices, other than human force alone, to any part of the body of the ~~patient person~~ patient person for the purpose of preventing the ~~patient person~~ patient person from causing injury to self or others.

(3) "Seclusion" means the placement of a ~~patient person~~ patient person, alone, in a room, where the ~~patient's person's~~ patient person's freedom to leave is restricted and where the ~~patient person~~ patient person is not under continuous observation.

(4) "Emergency lockdown" means a safety measure used to isolate all or a designated number of persons greater than one to their rooms for a period necessary to ensure a safe and secure environment.

(5) "Individual person management plan" means a safety measure used to isolate an individual person when the person presents a safety or security risk that cannot be

addressed through routine psychiatric methods.

(b) Each ~~patient~~ person shall have the following statutory rights:

(1) Upon admission or commitment, to be informed orally and in writing of the ~~patient's~~ person's rights under this section. Copies of this section shall be posted conspicuously in each ~~patient area facility~~, and shall be available to the ~~patient's~~ person's guardian and immediate family.

(2) ~~The right~~ To refuse to perform labor which is of financial benefit to the facility in which the ~~patient~~ person is receiving treatment or service. Privileges or release from the facility may not be conditioned upon the performance of any labor which is regulated by this subsection. Tasks of a personal housekeeping nature are not considered compensable labor. ~~Patients~~ A person may voluntarily engage in therapeutic labor which is of financial benefit to the facility if such labor is compensated in accordance with a plan approved by the department and if:

(A) ~~The specific~~ labor is an integrated part of the ~~patient's~~ person's treatment plan approved as a therapeutic activity by the professional staff member responsible for supervising the patient's treatment;

(B) the labor is supervised by a staff member who is qualified to oversee the therapeutic aspects of the activity;

(C) the ~~patient~~ person has given written informed consent to engage in such labor and has been informed that such consent may be withdrawn at any time; and

(D) the labor involved is evaluated for its appropriateness by the staff of the facility at least once every ~~120~~ 180 days.

(3) ~~A right~~ To receive ~~prompt and adequate treatment, rehabilitation and educational services~~ appropriate for such ~~patient's~~ person's condition, ~~within the limits of available state and federal funds.~~

(4) ~~Have the right~~ To be informed of such ~~patient's~~ person's treatment and care and to participate in the planning of such treatment and care.

(5) ~~Have the following rights, under the following procedures, to refuse medication and treatment:~~

(A) ~~Have the right~~ To refuse all medication and treatment except as ordered by a court or in a situation in which the medication or treatment is necessary to prevent serious physical harm to the patient or to others. Except when medication or medical treatment has been ordered by the court or is necessary to prevent serious physical harm to others as evidenced by a recent overt act, attempt or threat to do such harm, a patient may refuse medications and medical treatment if the patient is a member of a recognized religious organization and the religious tenets of such organization prohibit such medications and treatment.

(5) To refuse to consent to the administration of any medication prescribed for medical or psychiatric treatment, except in a situation in which the person is in a mental health crisis and less restrictive or intrusive measures have proven to be inadequate or clinically inappropriate. Treatment for a mental health crisis shall include medication or treatment necessary to prevent serious physical harm to the person or to others. After full explanation of the benefits and risks of such medication, the medication may be administered over the person's objection, except that the objection shall be recorded in the person's medical record and at the same time written notice thereof shall be forwarded to the medical director of the treatment facility or the director's designee. Within five days after receiving such notice, excluding Saturdays, Sundays and legal

holidays, the medical director or designee shall deliver to the person's medical provider the medical director's or designee's written decision concerning the administration of that medication, and a copy of that decision shall be placed in the person's medical record.

~~(B)-(A)~~ Medication may not be used as punishment, for the convenience of staff, as a substitute for a treatment program; or in quantities that interfere with a ~~patient's~~ person's treatment program.

~~(C)-(B)~~ Patients-A person will have the right to have explained the nature of all medications prescribed, the reason for the prescription and the most common side effects and, if requested, the nature of any other treatments ordered.

~~(6) Except as provided in paragraph (2), have a right to be free from physical restraint and seclusion-To be subjected to restraint, seclusion, emergency lockdown, individual person management plan, or any combination thereof, only as provided in this subsection.~~

~~(A) Restraints or seclusion shall not be applied to a patient unless, or both, may be used in the following circumstances:~~

~~(i) If it is determined by the superintendent of the treatment facility or a physician or licensed psychologist medical staff to be necessary to prevent immediate substantial bodily injury to the patient person or others and that other alternative methods to prevent such injury are not sufficient to accomplish this purpose. ~~Restraint or seclusion shall never be used as a punishment or for the convenience of staff. When used, the~~ extent of the restraint or seclusion applied to the ~~patient~~ person shall be the least restrictive measure necessary to prevent such injury to the ~~patient~~ person or others, and the use of restraint or seclusion in a treatment facility shall not exceed three hours without medical reevaluation. When restraints or seclusion are applied, there shall be monitoring of the ~~patient's person's~~ condition at a frequency determined by the treating physician or licensed psychologist, which shall be no less than once per each ~~45~~ 30 minutes. The superintendent of the treatment facility or a physician or licensed psychologist shall sign a statement explaining the treatment necessity for the use of any restraint or seclusion and shall make such statement a part of the permanent treatment record of the ~~patient person~~.~~

~~(ii) For security reasons during transport to or from the person's unit, including, but not limited to, transport to another treatment or health care facility, another secure facility or court. Any person committed or transferred to a hospital or other health care facility for medical care may be isolated for security reasons within a locked area.~~

~~(B) The provisions of clause (A) shall not prevent Emergency lockdown may be used in the following circumstances:~~

~~(i) The use of seclusion as part of a treatment methodology that calls for time out when the patient is refusing to participate in a treatment or has become disruptive of a treatment process.~~

~~(ii) Patients may be restrained for security reasons during transport to or from the patient's building, including transport to another treatment facility. Any patient committed or transferred to a hospital or other health care facility for medical care may be isolated for security reasons within locked facilities in the hospital.~~

~~(iii) Patients may be locked or restricted in such patient's room during the night shift, if such patient resides in a unit in which each room is equipped with a toilet and sink or if the patients who do not have toilets in the rooms shall be given an opportunity~~

to use a toilet at least once every hour, or more frequently if medically indicated.

~~(iv) Patients may be locked in such patient's room for a period of time no longer than one hour during each change of shift by staff to permit staff review of patient needs:~~

~~(v)(i) Patients may also be locked in such patient's room on a unit-wide or facility-wide basis. When necessary as an emergency measure as needed for security purposes, to deal with an escape or attempted escape, the discovery of a dangerous weapon or explosive device in the unit or facility or the receipt of reliable information that a dangerous weapon or explosive device is in the unit or facility, or to prevent or control a riot or the taking of a hostage or for the discovery of contraband or a unit-wide search. A unit-wide or facility-wide emergency isolation. An emergency lockdown order may only be authorized only by the superintendent of the facility where the order is applicable or the superintendent's designee. A unit-wide or facility-wide emergency isolation order shall be approved within one hour after it is authorized by the superintendent or the superintendent's designee.~~

~~(ii) During a period of emergency lockdown, the status of each person shall be reviewed every 30 minutes to ensure the safety of the person, and each person who is locked in a room without a toilet shall be given an opportunity to use a toilet at least once every hour, or more frequently if medically indicated.~~

~~(iii) The facility shall have a written policy covering the use of emergency lockdown that ensures the safety of the individual is secured and that there is regular, frequent monitoring by trained staff to care for bodily needs as may be required.~~

~~(iv) An emergency order for unit-wide or facility-wide isolation lockdown order may only be in effect for the period of time needed to preserve order while dealing with the situation and may not be used as a substitute for adequate staffing. During a period of unit-wide or facility-wide isolation, the status of each patient shall be reviewed every 30 minutes to ensure the safety and comfort of the patient, and each patient who is locked in a room without a toilet shall be given an opportunity to use a toilet at least once every hour, or more frequently if medically indicated. The facility shall have a written policy covering the use of isolation that ensures that the dignity of the individual is protected, that the safety of the individual is secured, and that there is regular, frequent monitoring by trained staff to care for bodily needs as may be required.~~

~~(vi) Individual patients who are referred by the court or correctional facilities for criminal evaluations may be placed in administrative confinement for security reasons and to maintain proper institutional management when treatment cannot be addressed through routine psychiatric methods. Administrative confinement of individuals shall be limited to only patients that demonstrate or threaten substantial injury to other patients or staff and when there are no clinical interventions available that will be effective to maintain a safe and therapeutic environment for both patients and staff. Administrative confinement shall not be used for any patient who is actively psychotic or likely to be psychologically harmed. The status of each patient shall be reviewed every 15 minutes to ensure the safety and comfort of the patient. The patient shall be afforded all patient rights including being offered a minimum of one hour of supervised opportunity for personal hygiene, exercise and to meet other personal needs.~~

~~(C) Individual person management plan may be used in any of the following situations:~~

~~(i) As needed when a person demonstrates or threatens substantial injury to others.~~

and routine psychiatric methods have been ineffective or are unlikely to be effective in reducing such risk.

(ii) As needed for safety or security purposes, to deal with an escape or attempted escape, the discovery of a dangerous weapon or explosive device in the unit or facility, or the receipt of reliable information that a dangerous weapon or explosive device is in the unit or facility, to prevent or control a riot or the taking of a hostage or for the discovery of contraband.

(iii) The status of the person shall be reviewed every 30 minutes to ensure the safety of the person.

(D) Restraint, seclusion, emergency lockdown, individual person management plan, or any combination thereof, may be used in any other situation deemed necessary by treatment staff for the safety of a person or persons, facility staff or visitors. In all situations, restraint, seclusion, emergency lockdown, or individual person management plan shall never be used as a punishment or for the convenience of staff.

(E) A person may be locked or restricted in such person's room during the night shift if such person resides in a unit in which each room is equipped with a toilet and sink or, if a person does not have a toilet in the room, if such person is given an opportunity to use a toilet at least once every hour, or more frequently if medically indicated.

~~(7) The right not~~ To not be subject to such procedures as psychosurgery, electroshock therapy, experimental medication, aversion therapy or hazardous treatment procedures without the written consent of the ~~patient person~~ patient person or the written consent of a parent or legal guardian, if such ~~patient person~~ patient person is a minor or has a legal guardian provided that the guardian has obtained authority to consent to such from the court which has venue over the guardianship following a hearing held for that purpose.

~~(8) The right~~ To individual religious worship within the facility if the patient person desires such an opportunity, as long as it complies with applicable laws and facility rules and policies. The provisions for worship shall be available to all ~~patients persons~~ persons on a nondiscriminatory basis. No individual may be coerced into engaging in any religious activities.

~~(9) A right~~ To a humane psychological and physical environment within the hospital facilities. All facilities shall be designed to afford patients with comfort and safety, to promote dignity and ensure privacy. Facilities shall also be designed to make a positive contribution to the effective attainment of the treatment goals of the hospital.

~~(10) The right~~ To confidentiality of all treatment records; and, as permitted by other applicable state or federal laws, have the right to inspect and to, upon receipt of payment of reasonable costs, to receive a copy of such records. The head of any treatment facility or designee who has the records may refuse to disclose portions of such records if the head of the treatment facility or designee states in writing that such disclosure will likely be injurious to the welfare of the person.

~~(11) Except as otherwise provided, have a right~~ to not be filmed or taped, unless the patient person signs an informed and voluntary consent that specifically authorizes a named individual or group to film or tape the patient person for a particular purpose or project during a specified time period. The patient person may specify in such consent periods during which, or situations in which, the patient person may not be filmed or taped. If a patient person is legally incompetent, such consent shall be granted on behalf of the patient person by the patient's person's guardian. A patient person may be filmed

or taped for security purposes without the patient's person's consent.

~~(12) The right~~ To be informed in writing upon or at a reasonable time after admission, of any liability that the patient or any of the patient's relatives may have for the cost of the patient's care and treatment and of the right to receive information about charges for care and treatment services.

~~(13) The right~~ To be treated with respect and recognition of the patient's dignity and individuality by all employees of the treatment facility.

~~(14) Patients have an unrestricted right~~ To send sealed mail and receive sealed mail to or from legal counsel, the courts, the secretary for aging and disability services, the superintendent of the treatment facility, the agency designated as the developmental disabilities protection and advocacy agency pursuant to P.L. 94-103, as amended, private physicians and licensed psychologists, ~~and, A person who is indigent may~~ have reasonable access to letter-writing materials.

~~(15) The right as specified under clause (A) to send and receive sealed mail, subject to the limitations specified under clause (B):~~

~~(A) A patient shall also have a right to send sealed mail and receive sealed mail to or from other persons, subject to physical examination in the patient's presence if there is reason to believe that such communication contains contraband materials or objects that threaten the security of patients or staff. The officers and staff of a facility may not read any mail covered by this clause.~~

~~(B) The above rights to send and receive sealed and confidential mail are subject to the following limitations:~~

(15) To send and receive mail with reasonable limitations. A person's mail is subject to physical examination and inspection for contraband, as defined by facility rules and policies.

(i)(A) An officer or employee of the facility at which the patient person is placed may delay delivery of the mail to the patient person for a reasonable period of time to verify whether the mail contains contraband, as defined by facility rules and policies, or whether the person named as the sender actually sent the mail; may open the mail and inspect it for contraband outside the presence of the patient; or may, if the officer or staff member cannot determine whether the mail contains contraband, return the mail to the sender along with notice of the facility mail policy. If contraband is found, such contraband may be returned to the sender or confiscated by the facility. If the officer or staff member cannot determine whether the person named as the sender actually sent the mail, the officer or staff member may return the mail to the sender along with notice of the facility mail policy.

~~(ii)(B) The superintendent of the facility or the superintendent's designee may, in accordance with the standards and the procedure under subsection (c) for denying a right for cause, authorize a member of the facility treatment staff to read the mail, if the superintendent or the superintendent's designee has reason to believe that the mail could pose a threat to security at the facility or seriously interfere with the treatment, rights, or safety of the patient person or others.~~

~~(iii) Residents may be restricted in receiving in the mail items deemed to be pornographic, offensive or which is deemed to jeopardize their individual treatment or that of others:~~

(C) A person may not receive through the mail any sexually explicit materials, items that are considered contraband, as defined by facility rules and policies, or items

deemed to jeopardize the person's individual treatment, another person's treatment or the therapeutic environment of the facility.

(16) Reasonable access to a telephone to make and receive telephone calls within reasonable limits.

~~(17) Be permitted to use and wear such patient's~~ To wear and use such person's own clothing and personal possessions, including toilet articles, as long as such wear and use complies with facility rules and policies, or to be furnished with an adequate allowance of clothes if none are available. Provision shall be made to launder the patient's clothing.

(18) To possess personal property in a reasonable amount, as long as the property complies with state laws and facility rules and policies, and be provided a reasonable amount of individual-secure storage space for private use pursuant to facility rules and policies. In no event shall a person be allowed to possess or store contraband.

(19) Reasonable protection of privacy in such matters as toileting and bathing.

~~(20) Be permitted~~ To see a reasonable number of visitors who do not pose a threat to the safety and security or therapeutic climate of other patients, the person, other persons, visitors or the facility.

~~(21) The right~~ To present grievances under the procedures established by each facility on the patient's person's own behalf or that of others to the staff or superintendent of the treatment facility without justifiable fear of reprisal and to communicate, subject to paragraph (14), with public officials or with any other person without justifiable fear of reprisal.

~~(22) The right~~ To spend such patient's person's money as such patient person chooses with reasonable limitations, except under the following circumstances: (A) When restricted by facility rules and policies; or (B) to the extent that authority over the money is held by another, including the parent of a minor, a court-appointed guardian of the patient's person's estate or a representative payee. A treatment facility may, as a part of its security procedures, use a patient trust account in lieu of currency that is held by a patient person, and may establish reasonable policies governing patient account transactions.

~~(c)(1) A patient's rights guaranteed~~ A person's rights under subsections (b)(15) to (b)(21) ~~(22)~~ may be denied for cause ~~after review~~ by the superintendent of the facility or the superintendent's designee, ~~and may be denied or~~ when medically or therapeutically contraindicated as documented by the ~~patient's physician or licensed psychologist~~ person's physician, licensed psychologist or licensed master's level psychologist in the ~~patient's person's~~ treatment record. The individual shall be informed in writing of the grounds for withdrawal of the right and shall have the opportunity for a review of the withdrawal of the right in an informal hearing before the superintendent of the facility or the superintendent's designee. There shall be documentation of the grounds for withdrawal of rights in the ~~patient's person's~~ treatment record. ~~After an informal hearing is held, a patient or such patient's representative may petition for review of the denial of any right under this subsection through the use of the grievance procedure provided in subsection (d).~~

(2) Notwithstanding subsection (c)(1), when the facility makes an administrative decision that applies equally to all persons and there is a legitimate governmental reason for the decision, notice of the decision is all that is required.

(d) The secretary for aging and disability services shall establish procedures to

assure protection of ~~patients'~~ persons' rights guaranteed under this section.

(e) No person may intentionally retaliate or discriminate against any ~~patient person~~ or employee for contacting or providing information to any state official or to an employee of any state protection and advocacy agency, or for initiating, participating in, or testifying in a grievance procedure or in an action for any remedy authorized under this section.

~~(f)(1) This section shall be a part of and supplemental to article 29a of chapter 59 of the Kansas Statutes Annotated, and amendments thereto. Proceedings under this section or any other appeal concerning an action by the Kansas department for aging and disability services shall be governed under the Kansas administrative procedure act and the Kansas judicial review act. A person appealing any alleged violations of this section or any other agency determination shall exhaust all administrative remedies available through the Larned state hospital, including the sexual predator treatment program, before having any right to request a hearing under the Kansas administrative procedure act.~~

~~(2) A final agency determination shall include notice of the right to appeal such determination only to the office of administrative hearings. Within 30 days after service of a final agency determination and the notice of right to appeal, the appellant may file a request for hearing in writing with the office of administrative hearings for a review of that determination. Any request for hearing must be accompanied by a copy of the final agency determination. Failure to timely request a hearing constitutes a waiver of the right to any review. The request shall be examined by the presiding officer assigned. If the appellant seeks to challenge the final agency determination on any grounds other than material facts in controversy or agency violation of a relevant rule, regulation or statute, the appellant shall express such allegations with particularity within the request for hearing. If it plainly appears from the face of the request and accompanying final agency determination that the appellant failed to state a claim on which relief could be granted, the request shall be dismissed. The burden shall be on the appellant to prove by a preponderance of the evidence that the agency action violated a specific rule, regulation or statute. If the request for hearing does not allege a violation of a specific rule, regulation or statute, the burden shall be on the appellant to prove by a preponderance of the evidence that the agency had no legitimate government interest in taking such action. Any dispositive ruling of the hearing officer assigned by the office of administrative hearings shall be deemed an initial order under the Kansas administrative procedure act.~~

~~(3) The person shall participate by telephone or other electronic means at any hearing before the office of administrative hearings or any proceeding under the Kansas judicial review act, unless the presiding officer or court determines that the interests of justice require an in-person proceeding. Notwithstanding K.S.A. 77-609, and amendments thereto, if an in-person proceeding is necessary, such proceeding shall be conducted at the place where the person is committed.~~

~~(4) Except as otherwise provided in the Kansas sexually violent predator act and notwithstanding K.S.A. 77-609, and amendments thereto, venue shall be in Pawnee county, Kansas, for all proceedings brought pursuant to the Kansas judicial review act.~~

Sec. 12. K.S.A. 2014 Supp. 59-29a23 is hereby amended to read as follows: 59-29a23. (a) Whenever a person civilly committed pursuant to ~~K.S.A. 59-29a01 et seq. and amendments thereto,~~ files a petition pursuant to ~~K.S.A. 60-1501 et seq. and~~

amendments thereto, the Kansas sexually violent predator act files any civil action relating to such commitment, including, but not limited to, an action pursuant to K.S.A. 60-1501 et seq., and amendments thereto, the costs incurred, including, but not limited to, the filing fee, costs of appointed counsel fees and expenses, witness fees and expenses, expert fees and expenses and other expenses related to the prosecution and defense of such petition, shall be taxed to the county responsible for the costs civilly committed person bringing the action. Any district court receiving a statement of costs from another district court shall forthwith approve the same for payment out of the general fund of its county except that it may refuse to approve the same for payment only on the ground that it is not the county responsible for the costs. If the claim for costs is not paid within 120 days, an action may be maintained thereon by the claimant county in the district court of the claimant county against the debtor county.

(b) (1) Subject to subsection (c), any court may authorize the commencement of any civil action, or appeal therein, without prepayment of fees or security therefor, by a civilly committed person who submits an affidavit that includes a statement of all assets that such person possesses and a statement that such person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the civil action or appeal and the affiant's belief that the person is entitled to redress.

(2) A civilly committed person seeking to bring a civil action, or appeal therein, without prepayment of fees or security therefor, in addition to filing the affidavit required by subsection (b)(1), shall submit a certified copy of the trust fund account statement, or institutional equivalent, for such person for the six-month period immediately preceding the filing of the action or notice of appeal, obtained from the appropriate official of each facility at which such person is or was committed. In addition, such person shall submit a certified copy of all private banking account and investment account statements for the six-month period immediately preceding the filing of the action or notice of appeal for which the person is the account owner or beneficiary.

(3) If the court determines, based on the affidavit and information provided pursuant to this subsection, that the person is indigent, the costs incurred shall be taxed to the county responsible for the costs.

(4) Any district court receiving a statement of costs from another district court shall forthwith approve the same for payment out of the general fund of its county, except that it may refuse to approve the same for payment only on the ground that it is not the county responsible for the costs. If the claim for costs is not paid within 120 days, an action may be maintained thereon by the claimant county in the district court of the claimant county against the debtor county.

(5) The county responsible for the costs incurred pursuant to this subsection (a) shall be reimbursed for such costs by the office of the attorney general from the sexually violent predator expense fund. The attorney general shall develop and implement a procedure to provide such reimbursements. If there are no moneys available in such fund to pay any such reimbursements, the county may file a claim against the state pursuant to article 9 of chapter 46, of the Kansas Statutes Annotated, and amendments thereto.

(6) An appeal may not be taken in forma pauperis if the trial court certifies in writing that such appeal is not taken in good faith.

(c) (1) Notwithstanding subsection (b), if a civilly committed person brings a civil

action or files an appeal in forma pauperis, such person shall be required to pay the full amount of a filing fee. The court shall assess and, when funds exist, collect as a partial payment of any court fees required by law, an initial partial filing fee of 20% of the greater of:

(A) The average monthly deposits to the civilly committed person's trust account, or institutional equivalent; or

(B) the average monthly balance in the civilly committed person's trust account, or institutional equivalent, for the six-month period immediately preceding the filing of the action or notice of appeal.

(2) After payment of the initial partial filing fee, the civilly committed person shall be required to make monthly payments of 20% of the preceding month's income credited to the civilly committed person's account. The agency having custody of the civilly committed person shall forward payments from the civilly committed person's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid. The clerk shall then forward the payments to the county responsible for the costs for reimbursement.

(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action.

(4) In no event shall a civilly committed person be prohibited from bringing a civil action or appealing a civil action for the reason that such person has no assets and no means by which to pay the initial partial filing fee.

(d) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that:

(1) The allegation of poverty is untrue; or

(2) the action or appeal:

(A) Is frivolous or malicious;

(B) fails to state a claim on which relief may be granted; or

(C) seeks monetary relief against a defendant who is immune from such relief.

(e) (1) Judgment may be rendered for costs at the conclusion of the suit or action as in other proceedings.

(2) (A) If the judgment against a civilly committed person includes the payment of costs under this subsection, such person shall be required to pay the full amount of the costs ordered.

(B) The civilly committed person shall be required to make payments for costs under this subsection in the same manner provided for filing fees under subsection (c).

(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.

(f) In no event shall a civilly committed person bring a civil action or appeal a judgment in a civil action or proceeding in forma pauperis if such person has, on three or more prior occasions, while confined in any facility, brought an action or appeal in a court of the state of Kansas or of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted, unless such person is under imminent danger of serious physical injury.

(e)-(g) As used in this section, "county responsible for the costs" means the county where the person was determined to be a sexually violent predator pursuant to ~~K.S.A. 59-29a01 et seq. and amendments thereto~~ the Kansas sexually violent predator act.

Sec. 13. K.S.A. 2014 Supp. 59-29a24 is hereby amended to read as follows: 59-

29a24. (a) ~~Any patient in the custody of the secretary of social and rehabilitation services person civilly committed pursuant to K.S.A. 59-29a01 et seq. and amendments thereto, the Kansas sexually violent predator act, prior to filing any civil action, including, but not limited to, an action pursuant to K.S.A. 60-1501 et seq., and amendments thereto, naming as the defendant pursuant to the rules of civil procedure, the state of Kansas, any political subdivision of the state of Kansas, any public official, the secretary of social and rehabilitation for aging and disability services or an employee of the Kansas department of social and rehabilitation for aging and disability services, while such employee is engaged in the performance of such employee's duty, shall be required to have exhausted such patient's all administrative remedies, established by procedures adopted pursuant to subsection (d) of K.S.A. 59-29a22 and amendments thereto, concerning such civil action. Upon filing a petition in a civil action, such patient person shall file with such petition proof that ~~the~~ all administrative remedies have been exhausted.~~

(b) ~~Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that:~~

(1) ~~The allegation of poverty is untrue, notwithstanding the fact that a filing fee, or any portion thereof has been paid; or~~

(2) ~~the action or appeal:~~

(A) ~~Is frivolous or malicious;~~

(B) ~~fails to state a claim on which relief may be granted; or~~

(C) ~~seeks monetary relief against a defendant who is immune from such relief.~~

(c) ~~In no event shall such patient bring a civil action or appeal a judgment in a civil action or proceeding under this section if such patient has, on three or more prior occasions, while in the custody of the secretary of social and rehabilitation services pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, brought an action or appeal in a court of the state of Kansas or of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted, unless the patient is under imminent danger of serious physical injury.~~

(d) ~~The provisions of this section shall not apply to a writ of habeas corpus.~~

Sec. 14. K.S.A. 2014 Supp. 59-2401a is hereby amended to read as follows: 59-2401a. (a) An appeal by an interested party from a district magistrate judge who is not regularly admitted to practice law in Kansas to a district judge may be taken no later than 14 days from any final order, judgment or decree entered in any proceeding pursuant to:

(1) The Kansas adoption and relinquishment act, K.S.A. 59-2111 et seq., and amendments thereto;

(2) the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto;

(3) the care and treatment act for persons with an alcohol or substance abuse problem, K.S.A. 59-29b45 et seq., and amendments thereto; or

(4) the act for obtaining a guardian or conservator, or both, K.S.A. 59-3050 et seq., and amendments thereto.

The appeal shall be heard no later than 30 days from the date the notice of appeal is filed. If no record was made of the proceedings, the trial shall be de novo. Except as provided further, if a record was made of the proceedings, the district judge shall conduct the appeal on the record. Upon motion of any party to the proceedings, the

district judge may hold a trial de novo.

(b) An appeal by an interested party from a district judge, or a district magistrate judge who is regularly admitted to practice law in Kansas, to an appellate court shall be taken pursuant to article 21 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, from any final order, judgment or decree entered in any proceeding pursuant to:

(1) The Kansas adoption and relinquishment act, K.S.A. 59-2111 et seq., and amendments thereto;

(2) the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto;

(3) the Kansas sexually violent predator act, K.S.A. 59-29a01 et seq., and amendments thereto;

(4) the care and treatment act for persons with an alcohol or substance abuse problem, K.S.A. 59-29b45 et seq., and amendments thereto; or

(5) the act for obtaining a guardian or conservator, or both, K.S.A. 59-3050 et seq., and amendments thereto.

Except for appeals under the Kansas judicial review act and cases otherwise specifically provided for by law, appeals under this section shall have priority over all others.

(c) Pending the determination of an appeal pursuant to subsection (a) or (b), any order appealed from shall continue in force unless modified by temporary orders entered by the court hearing the appeal. The supersedeas bond provided for in K.S.A. 60-2103, and amendments thereto, shall not stay proceedings under an appeal from the district court to an appellate court.

(d) In an appeal taken pursuant to subsection (a) or (b), the court from which the appeal is taken may require an appropriate party, other than the state of Kansas, any subdivision thereof, and all cities and counties in this state, to file a bond in such sum and with such sureties as may be fixed and approved by the court to ensure that the appeal will be prosecuted without unnecessary delay and to ensure the payment of all judgments and any sums, damages and costs that may be adjudged against that party.

(e) As used in this section, "interested party" means:

(1) The parent in a proceeding pursuant to the Kansas adoption and relinquishment act, K.S.A. 59-2111 et seq., and amendments thereto;

(2) the patient under the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto;

(3) the patient under the care and treatment act for persons with an alcohol or substance abuse problem, K.S.A. 59-29b45 et seq., and amendments thereto;

(4) the person adjudicated a sexually violent predator under the Kansas sexually violent predator act, K.S.A. 59-29a01 et seq., and amendments thereto;

(5) the ward or conservatee under the act for obtaining a guardian or conservator, or both, K.S.A. 59-3050 et seq., and amendments thereto;

(6) the parent of a minor person adjudicated a ward or conservatee under the act for obtaining a guardian or conservator, or both, K.S.A. 59-3050 et seq., and amendments thereto;

(7) the petitioner in the case on appeal; and

(8) any other person granted interested party status by the court from which the appeal is being taken.

(f) This section shall be part of and supplemental to the Kansas probate code.

Sec. 15. K.S.A. 2014 Supp. 77-603 is hereby amended to read as follows: 77-603.

(a) This act applies to all agencies and all proceedings for judicial review and civil enforcement of agency actions not specifically exempted by statute from the provisions of this act.

(b) This act creates only procedural rights and imposes only procedural duties. They are in addition to those created and imposed by other statutes.

(c) This act does not apply to agency actions:

(1) Of the prisoner review board concerning inmates or persons under parole or conditional release supervision;

(2) concerning the management, discipline or release of persons in the custody of the secretary of corrections;

(3) concerning the management, discipline or release of persons in the custody of the commissioner of juvenile justice;

(4) under the election laws contained in chapter 25 of the Kansas Statutes Annotated, and amendments thereto, except as provided by K.S.A. 25-4185, and amendments thereto;

(5) concerning pardon, commutation of sentence, clemency or extradition;

(6) concerning military or naval affairs other than actions relating to armories;

(7) governed by the provisions of the open records act and subject to an action for enforcement pursuant to K.S.A. 45-222, and amendments thereto; or

(8) governed by the provisions of K.S.A. 75-4317 et seq., and amendments thereto, relating to open public meetings, and subject to an action for civil penalties or enforcement pursuant to K.S.A. 75-4320 or 75-4320a, and amendments thereto; ~~or~~

~~(9) concerning the civil commitment of sexually violent predators pursuant to K.S.A. 59-29a01 et seq. and amendments thereto.~~

New Sec. 16. (a) Whenever there is current evidence since the last annual examination from an expert or professional person that an identified physiological change to the committed person, such as paralysis, stroke or dementia, renders the committed person unable to commit a sexually violent offense and that this change is permanent, the person may petition the court for a hearing to be released.

(b) If the court finds after a hearing that the person has demonstrated by clear and convincing evidence that the person suffers from a permanent physiological change rendering the person unable to commit a sexually violent offense, the court shall discharge the person from the program and notify the secretary. At the hearing, the person shall have the right to counsel. The state shall have the right to have the person examined before the hearing. The burden of proof shall be on the person to prove the physiological change is permanent and renders the person unable to commit a sexually violent offense.

(c) If the court finds the person has not suffered a permanent physiological change or is not safe, the person shall remain in secure commitment.

(d) This section shall be a part of and supplemental to the Kansas sexually violent predator act.

New Sec. 17. (a) The cost of any post-commitment hearings, annual review hearings, including those provided by the office of administrative hearings, evaluations or other expenses expressly provided for in the Kansas sexually violent predator act shall be paid by the county responsible for the costs.

(b) The cost of any sexual predator treatment program administrative hearings involving K.S.A. 2014 Supp. 59-29a22, and amendments thereto, or other program decisions appealed to or received by the office of administrative hearings shall be paid by the county responsible for the costs.

(c) At the conclusion of any of the proceedings described in this section, the office of administrative hearings shall provide a statement to the county responsible for the costs. The county shall pay the office of administrative hearings within 60 days following the receipt of the bill or prior to the expiration of the fiscal year in which the costs were incurred, whichever occurs first.

(d) As used in this section, "county responsible for the costs" means the county where the person was determined to be a sexually violent predator pursuant to the Kansas sexually violent predator act.

(e) This section shall be a part of and supplemental to the Kansas sexually violent predator act.

New Sec. 18. (a) (1) Whenever a person civilly committed pursuant to K.S.A. 59-29a07, and amendments thereto, is in the custody of a county law enforcement agency for a pending criminal proceeding, the costs incurred for the care and custody of such person by the county with custody of such person, including, but not limited to, reasonable costs of medical care and treatment, housing, food and transportation, shall be paid by such county.

(2) The secretary for aging and disability services shall reimburse such county from the Larned state hospital – SPTP new crimes reimbursement account of the state general fund for all costs that would have been paid from such account if such person had remained in the custody of the secretary for aging and disability services.

(b) (1) Whenever a person civilly committed pursuant to K.S.A. 59-29a07, and amendments thereto, commits a crime and is prosecuted for such crime, the costs incurred for such prosecution shall be paid by the county where such prosecution occurs.

(2) The secretary for aging and disability services shall reimburse such county from the Larned state hospital – SPTP new crimes reimbursement account of the state general fund for all reasonable costs incurred for such prosecution.

(c) If there are no moneys available in the Larned state hospital – SPTP new crimes reimbursement account of the state general fund to pay any reimbursements described in subsection (a) or (b), the county entitled to such reimbursement may file a claim against the state pursuant to article 9 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto.

(d) The secretary for aging and disability services shall develop and implement a procedure to provide the reimbursements described in subsections (a) and (b) on or before January 1, 2016.

(e) All expenditures pursuant to this section from the Larned state hospital – SPTP new crimes reimbursement account of the state general fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for aging and disability services or the secretary's designee.

Sec. 19. K.S.A. 59-29a01, 59-29a03, 59-29a10 and 59-29a18 and K.S.A. 2014 Supp. 59-2401a, 59-29a04, 59-29a04a, 59-29a05, 59-29a06, 59-29a07, 59-29a08, 59-29a11, 59-29a22, 59-29a23, 59-29a24 and 77-603 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "civil commitment of sexually violent predators; amending K.S.A. 59-29a01, 59-29a03 and 59-29a10 and K.S.A. 2014 Supp. 59-2401a, 59-29a04, 59-29a04a, 59-29a05, 59-29a06, 59-29a07, 59-29a08, 59-29a11, 59-29a22, 59-29a23, 59-29a24 and 77-603 and repealing the existing sections; also repealing K.S.A. 59-29a18";

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

JOHN BARKER

CHARLES MACHEERS

JOHN CARMICHAEL

*Conferees on part of House*

JEFF KING

GREG SMITH

PAT PETTEY

*Conferees on part of Senate*

Senator King moved the Senate adopt the Conference Committee Report on **H Sub SB 12**.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Baumgardner, Tyson.

Absent or Not Voting: Arpke, Wilborn.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Madam President: **House Substitute for Senate Bill 12** mandates a 100 percent increase in the number of sexually violent predators to be housed in Miami County. This was at the request of the Kansas Department for Aging and Disability Services (KDADS) Secretary. We have been in ongoing communication with the Secretary and her staff, however this expansion, that directly impacts our communities, was never communicated. We cannot support such a significant change without the opportunity to communicate this action with county leaders and community members, prior to a final vote. —MOLLY BAUMGARDNER; CARYN TYSON

#### ORIGINAL MOTION

Senator Haley moved to not adopt the conference committee report on **SB 113**, and requested a new conference committee be appointed. Motion failed.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 113** 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 through 4;

On page 5, by striking all in line 1; following line 1, by inserting:

"New Section 1. (a) A victim of the conduct of another that would constitute conduct prohibited by K.S.A. 2014 Supp. 21-5426, and amendments thereto, human trafficking or aggravated human trafficking, or K.S.A. 2014 Supp. 21-6422, and amendments thereto, commercial sexual exploitation of a child, may bring an action in an appropriate state court against the person or persons who engaged in such conduct if the victim suffered personal or psychological injury as a result of the conduct. Such victim may seek actual damages, exemplary or punitive damages, injunctive relief and any other appropriate relief.

(b) In an action under this section, the court shall award a prevailing plaintiff the cost of the suit, including reasonable attorney fees. A victim who is awarded damages under this section shall be deemed to have sustained damages of at least \$150,000.

(c) Notwithstanding any other provision of law, any action commenced under this section shall be filed within 10 years after the later of the date on which the victim:

(1) Was freed from the human trafficking situation; or

(2) attained 18 years of age.

(d) At the victim's request, the attorney general may pursue cases on behalf of any Kansas victim under this section. All damages obtained shall go to the victim, and the attorney general may seek reasonable attorney fees and costs.

(e) Any action brought under this section shall be subject to the provisions of K.S.A. 74-7312, and amendments thereto.

(f) This section does not preclude any other remedy available to the victim under federal law or law of this state.

Sec. 2. K.S.A. 2014 Supp. 21-5501 is hereby amended to read as follows: 21-5501. The following definitions shall apply when the words and phrases defined are used in article 55 of chapter 21 of the Kansas Statutes Annotated, and K.S.A. 2014 Supp. 21-6419 through ~~21-6424~~ 21-6422, and amendments thereto, except when a particular context clearly requires a different meaning:

(a) "Sexual intercourse" means any penetration of the female sex organ by a finger, the male sex organ or any object. Any penetration, however slight, is sufficient to constitute sexual intercourse. "Sexual intercourse" does not include penetration of the female sex organ by a finger or object in the course of the performance of:

(1) Generally recognized health care practices; or

(2) a body cavity search conducted in accordance with K.S.A. 22-2520 through 22-2524, and amendments thereto.

(b) "Sodomy" means oral contact or oral penetration of the female genitalia or oral contact of the male genitalia; anal penetration, however slight, of a male or female by any body part or object; or oral or anal copulation or sexual intercourse between a person and an animal. "Sodomy" does not include penetration of the anal opening by a finger or object in the course of the performance of:

- (1) Generally recognized health care practices; or
- (2) a body cavity search conducted in accordance with K.S.A. 22-2520 through 22-2524, and amendments thereto.

(c) "Spouse" means a lawful husband or wife, unless the couple is living apart in separate residences or either spouse has filed an action for annulment, separate maintenance or divorce or for relief under the protection from abuse act.

(d) "Unlawful sexual act" means any rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal sodomy, lewd and lascivious behavior, sexual battery or aggravated sexual battery, as defined in this code.

Sec. 3. K.S.A. 2014 Supp. 21-6328 is hereby amended to read as follows: 21-6328. As used in the Kansas racketeer influenced and corrupt organization act:

(a) "Beneficial interest" means:

- (1) The interest of a person as a beneficiary under any trust arrangement pursuant to which a trustee holds legal or record title to real property for the benefit of such person; or
- (2) the interest of a person under any other form of express fiduciary arrangement pursuant to which any other person holds legal or record title to real property for the benefit of such person.

The term "beneficial interest" does not include the interest of a stock holder in a corporation or the interest of a partner in either a general partnership or a limited partnership. A beneficial interest shall be deemed to be located where the real property owned by the trustee is located.

(b) "Covered person" means any person who:

(1) Is a criminal street gang member or criminal street gang associate, as defined in K.S.A. 2014 Supp. 21-6313, and amendments thereto;

(2) has engaged in or is engaging in any conduct prohibited by K.S.A. 2014 Supp. 21-5426, and amendments thereto, human trafficking or aggravated human trafficking, or K.S.A. 2014 Supp. 21-6422, and amendments thereto, commercial sexual exploitation of a child; or

(3) has engaged in or is engaging in any conduct prohibited by K.S.A. 2014 Supp. 21-5703, and amendments thereto, unlawful manufacturing of controlled substances, or K.S.A. 2014 Supp. 21-5705, and amendments thereto, unlawful cultivation or distribution of controlled substances.

(c) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(d) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity; and it includes illicit as well as licit enterprises and governmental, as well as other, entities. A criminal street gang, as defined in K.S.A. 2014 Supp. 21-6313, and amendments thereto, constitutes an enterprise.

(e) "Pattern of racketeering activity" means engaging in at least two incidents of racketeering activity that have the same or similar intents, results, accomplices, victims or methods of commission or that otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one of such incidents occurred after the effective date of this act and that the last of such incidents occurred within 5 years, excluding any period of imprisonment, after a prior incident of racketeering activity.

(f) "Racketeering activity" means to commit, attempt to commit, conspire to commit or to solicit, coerce or intimidate another person to commit:

(1) Any felony or misdemeanor violation of: The felony provisions of K.S.A. 8-1568, and amendments thereto, fleeing or attempting to elude a police officer; K.S.A. 9-508 et seq., and amendments thereto, Kansas money transmitter act; article 12a of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, Kansas uniform securities act; K.S.A. 2014 Supp. 21-5401, and amendments thereto, capital murder; K.S.A. 2014 Supp. 21-5402, and amendments thereto, murder in the first degree; K.S.A. 2014 Supp. 21-5403, and amendments thereto, murder in the second degree; K.S.A. 2014 Supp. 21-5408, and amendments thereto, kidnapping or aggravated kidnapping; K.S.A. 2014 Supp. 21-5412, and amendments thereto; K.S.A. 2014 Supp. 21-5413, and amendments thereto; K.S.A. 2014 Supp. 21-5414, and amendments thereto, domestic battery; K.S.A. 2014 Supp. 21-5415, and amendments thereto, criminal threat or aggravated criminal threat; K.S.A. 2014 Supp. 21-5420, and amendments thereto, robbery or aggravated robbery; K.S.A. 2014 Supp. 21-5421, and amendments thereto, terrorism; K.S.A. 2014 Supp. 21-5422, and amendments thereto, illegal use of weapons of mass destruction; K.S.A. 2014 Supp. 21-5423, and amendments thereto; K.S.A. 2014 Supp. 21-5426, and amendments thereto, human trafficking or aggravated human trafficking; K.S.A. 2014 Supp. 21-5428, and amendments thereto, blackmail; K.S.A. 2014 Supp. 21-5510, and amendments thereto, sexual exploitation of a child; K.S.A. 2014 Supp. 21-5601, and amendments thereto, endangering a child or aggravated endangering a child; K.S.A. 2014 Supp. 21-5602, and amendments thereto, abuse of a child; K.S.A. 2014 Supp. 21-5603, and amendments thereto, contributing to a child's misconduct or deprivation; ~~subsection (b) of~~ K.S.A. 2014 Supp. 21-5607(b), and amendments thereto, furnishing alcoholic beverages to a minor for illicit purposes; article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, crimes involving controlled substances; K.S.A. 2014 Supp. 21-5801, and amendments thereto, theft; K.S.A. 2014 Supp. 21-5803, and amendments thereto, criminal deprivation of property; K.S.A. 2014 Supp. 21-5805, and amendments thereto; K.S.A. 2014 Supp. 21-5807, and amendments thereto, burglary or aggravated burglary; K.S.A. 2014 Supp. 21-5812, and amendments thereto, arson or aggravated arson; K.S.A. 2014 Supp. 21-5813, and amendments thereto, criminal damage to property; K.S.A. 2014 Supp. 21-5814, and amendments thereto, criminal use of an explosive; K.S.A. 2014 Supp. 21-5818, and amendments thereto, tampering with a pipeline; K.S.A. 2014 Supp.

21-5821, and amendments thereto, giving a worthless check; K.S.A. 2014 Supp. 21-5823, and amendments thereto, forgery; K.S.A. 2014 Supp. 21-5824, and amendments thereto, making false information; K.S.A. 2014 Supp. 21-5825, and amendments thereto, counterfeiting; K.S.A. 2014 Supp. 21-5826, and amendments thereto, destroying written instrument; K.S.A. 2014 Supp. 21-5828, and amendments thereto, criminal use of a financial card; K.S.A. 2014 Supp. 21-5838, and amendments thereto, conducting a pyramid promotional scheme; K.S.A. 2014 Supp. 21-5839, and amendments thereto; K.S.A. 2014 Supp. 21-5903, and amendments thereto, perjury; K.S.A. 2014 Supp. 21-5904, and amendments thereto, interference with law enforcement; K.S.A. 2014 Supp. 21-5905, and amendments thereto, interference with the judicial process; K.S.A. 2014 Supp. 21-5909, and amendments thereto, intimidation of a witness or victim or aggravated intimidation of a witness or victim; K.S.A. 2014 Supp. 21-5912, and amendments thereto, aiding escape; K.S.A. 2014 Supp. 21-5913, and amendments thereto, obstructing apprehension or prosecution; K.S.A. 2014 Supp. 21-5918, and amendments thereto; K.S.A. 2014 Supp. 21-6001, and amendments thereto, bribery; K.S.A. 2014 Supp. 21-6002, and amendments thereto, official misconduct; K.S.A. 2014 Supp. 21-6301, and amendments thereto, criminal use of weapons; K.S.A. 2014 Supp. 21-6302, and amendments thereto, criminal carrying of a weapon; K.S.A. 2014 Supp. 21-6303, and amendments thereto, criminal distribution of firearms to a felon; K.S.A. 2014 Supp. 21-6304, and amendments thereto, criminal possession of a firearm by a convicted felon; K.S.A. 2014 Supp. 21-6305, and amendments thereto, aggravated weapons violation by a convicted felon; K.S.A. 2014 Supp. 21-6306, and amendments thereto, defacing identification marks of a firearm; K.S.A. 2014 Supp. 21-6308, and amendments thereto, criminal discharge of a firearm; K.S.A. 2014 Supp. 21-6310, and amendments thereto, unlawful endangerment; K.S.A. 2014 Supp. 21-6312, and amendments thereto; K.S.A. 2014 Supp. ~~21-6313 through 21-6316~~ 21-6314 and 21-6315, and amendments thereto; K.S.A. 2014 Supp. 21-6401, and amendments thereto, promoting obscenity or promoting obscenity to minors; K.S.A. 2014 Supp. 21-6404, and amendments thereto, gambling; K.S.A. 2014 Supp. 21-6405, and amendments thereto, illegal bingo operation; K.S.A. 2014 Supp. 21-6406, and amendments thereto, commercial gambling; K.S.A. 2014 Supp. 21-6407, and amendments thereto, dealing in gambling devices; K.S.A. 2014 Supp. 21-6408, and amendments thereto; K.S.A. 2014 Supp. 21-6409, and amendments thereto, installing communication facilities for gamblers; ~~subsections (a) or (b) of~~ K.S.A. 2014 Supp. 21-6414 ~~(a) or (b)~~, and amendments thereto, unlawful conduct of dog fighting or unlawful possession of dog fighting paraphernalia; ~~subsections (a) or (b) of~~ K.S.A. 2014 Supp. 21-6417 ~~(a) or (b)~~, and amendments thereto, unlawful conduct of cockfighting or unlawful possession of cockfighting paraphernalia; K.S.A. 2014 Supp. 21-6419, and amendments thereto, selling sexual relations; K.S.A. 2014 Supp. 21-6420, and amendments thereto, promoting the sale of sexual relations; K.S.A. 2014 Supp. 21-6422, and amendments thereto, commercial sexual exploitation of a child; K.S.A. 2014 Supp. 21-6501, and amendments thereto, extortion; K.S.A. 2014 Supp. 21-6502, and amendments thereto, debt adjusting; K.S.A. 2014 Supp. 21-6504, and amendments thereto, equity skimming; K.S.A. 2014 Supp. 21-6506, and amendments thereto, commercial bribery; K.S.A. 2014 Supp. 21-6507, and amendments thereto, sports bribery; K.S.A. 2014 Supp. 21-6508, and amendments thereto, tampering with a sports contest; K.S.A. 39-720, and amendments thereto, social welfare service fraud; K.S.A.

40-2,118, and amendments thereto, fraudulent insurance acts; K.S.A. 41-101 et seq., and amendments thereto, Kansas liquor control act; K.S.A. 44-5,125, and amendments thereto, workers' compensation act; K.S.A. 65-1657, and amendments thereto, nonresident pharmacy registration; K.S.A. 65-3441, and amendments thereto, hazardous waste; K.S.A. 65-4167, and amendments thereto, trafficking in counterfeit drugs; article 88 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, Kansas parimutuel racing act; or K.S.A. 79-3321, and amendments thereto, Kansas cigarette and tobacco products act; or

(2) any conduct defined as "racketeering activity" under 18 U.S.C. § 1961(1).

(g) "Real property" means any real property or any interest in such real property, including, but not limited to, any lease of or mortgage upon such real property.

(h) "Trustee" means:

(1) Any person acting as trustee pursuant to a trust in which the trustee holds legal or record title to real property;

(2) any person who holds legal or record title to real property in which any other person has a beneficial interest; or

(3) any successor trustee or trustees to any or all of the foregoing persons.

The term "trustee" does not include any person appointed or acting as a personal representative as defined in K.S.A. 59-102, and amendments thereto, or appointed or acting as a trustee of any testamentary trust or as a trustee of any indenture of trust under which any bonds have been or are to be issued.

(i) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(1) In violation of any of the following provisions of law: Article 88 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, Kansas parimutuel racing act; K.S.A. 2014 Supp. 21-6404, and amendments thereto, gambling; K.S.A. 2014 Supp. 21-6405, and amendments thereto, illegal bingo operation; K.S.A. 2014 Supp. 21-6406, and amendments thereto, commercial gambling; K.S.A. 2014 Supp. 21-6407, and amendments thereto, dealing in gambling devices; K.S.A. 2014 Supp. 21-6408, and amendments thereto, unlawful possession of a gambling device; or K.S.A. 2014 Supp. 21-6409, and amendments thereto, installing communication facilities for gamblers; or

(2) in gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law.

Sec. 4. K.S.A. 2014 Supp. 22-3424 is hereby amended to read as follows: 22-3424.

(a) The judgment shall be rendered and sentence imposed in open court.

(b) If the verdict or finding is not guilty, judgment shall be rendered immediately and the defendant shall be discharged from custody and the obligation of the defendant's appearance bond.

(c) If the verdict or finding is guilty, judgment shall be rendered and sentence pronounced without unreasonable delay, allowing adequate time for the filing and disposition of post-trial motions and for completion of such presentence investigation as the court may require.

(d)(1) If the verdict or finding is guilty, upon request of the victim or the victim's family and before imposing sentence, the court shall hold a hearing to establish restitution. The defendant may waive the right to the hearing and accept the amount of restitution as established by the court. If the court orders restitution to be paid to the victim or the victim's family, the order shall be enforced as a judgment of restitution pursuant to K.S.A. 60-4301 through 60-4304, and amendments thereto.

(2) (A) The court shall order a person convicted of human trafficking or aggravated human trafficking, K.S.A. 21-3446 or 21-3447, prior to their repeal, or K.S.A. 2014 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, K.S.A. 2014 Supp. 21-6422, and amendments thereto, to pay restitution to the victim of the offense for:

(i) Expenses incurred or reasonably certain to be incurred by the victim as a result of the offense, including reasonable attorney fees and costs; and

(ii) an amount equal to three times the greatest of the following, with no reduction for expenses the defendant incurred to maintain the victim:

(a) The gross income to the defendant for, or the value to the defendant of, the victim's labor or services or sexual activity;

(b) the amount the defendant contracted to pay the victim; or

(c) the value of the victim's labor or services or sexual activity, calculated under the minimum wage and overtime provisions of the federal fair labor standards act, 29 U.S.C. § 201 et seq., or under K.S.A. 44-1203, and amendments thereto, whichever is higher, even if the provisions do not apply to the victim's labor or services or sexual activity.

(B) The court shall order restitution under subsection (d)(2) even if the victim is unavailable to accept payment of restitution.

(C) If the victim does not claim restitution ordered under subsection (d)(2) for five years after entry of the order, the restitution must be paid to the human trafficking victim assistance fund created by K.S.A. 2014 Supp. 75-758, and amendments thereto, to help victims.

(e) Before imposing sentence the court shall: (1) Allow the prosecuting attorney to address the court, if the prosecuting attorney so requests; (2) afford counsel an opportunity to speak on behalf of the defendant; (3) allow the victim or such members of the victim's family as the court deems appropriate to address the court, if the victim or the victim's family so requests; and (4) address the defendant personally and ask the defendant if the defendant wishes to make a statement on the defendant's own behalf and to present any evidence in mitigation of punishment.

(f) After imposing sentence in a case which has gone to trial on a plea of not guilty, the court shall advise the defendant of the defendant's right to appeal and of the right of a person who is unable to pay the costs of an appeal to appeal in forma pauperis.

Sec. 5. K.S.A. 2014 Supp. 22-3436 is hereby amended to read as follows: 22-3436. This section applies if a defendant is charged with a crime pursuant to articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through ~~21-6421~~ 21-6422, and amendments thereto;

(a) The prosecuting attorney, as defined in K.S.A. 22-2202, and amendments thereto, shall: (1) Inform the victim or the victim's family before any dismissal or declining of prosecuting charges; (2) inform the victim or the victim's family of the nature of any proposed plea agreement; and (3) inform and give notice to the victim or the victim's family of the rights established in subsection (b);<sub>2</sub>

(b) The victim of a crime or the victim's family have the right to be present at any hearing where a plea agreement is reviewed or accepted and the parties may submit written arguments to the court prior to the date of the hearing.

Sec. 6. K.S.A. 2014 Supp. 22-3701 is hereby amended to read as follows: 22-3701. ~~(+)(a)~~ The governor may pardon, or commute the sentence of, any person convicted of a crime in any court of this state upon such terms and conditions as prescribed in the order granting the pardon or commutation.

~~(2)-(b)~~ The prisoner review board, hereafter referred to as the board, shall adopt rules and regulations governing the procedure for initiating, processing, and reviewing applications for pardon, or commutation of sentence filed by and on behalf of persons convicted of crime.

~~(3)-(c)~~ Except as otherwise provided, no pardon or commutation of sentence shall be granted until more than 30 days after written notice of the application therefor has been given to: ~~(a)-(1)~~ The prosecuting attorney and the judge of the court in which the defendant was convicted; and ~~(b)-(2)~~ any victim of the person's crime or the victim's family, if the person was convicted of a crime specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through ~~21-6421~~ 21-6422, and amendments thereto. Notice of such application for pardon or commutation of sentence shall be given by the secretary of corrections to the victim who is alive and whose address is known to the secretary of corrections, or if the victim is deceased, to the victim's family if the family's address is known to the secretary of corrections. Notice of the receipt of such application shall be given by publication in the official county paper of the county of conviction. The form of notice shall be prescribed by the board. If the applicant executes a poverty affidavit, the cost of one publication of the notice during a ~~twelve-month~~ 12-month period shall be paid by the state. If more than one notice of application is published during any ~~twelve-month~~ 12-month period the additional cost of publication shall be paid by the applicant. Subject to the provisions of subsection ~~(+)-(d)~~, if written notification is not given to such victim who is alive and whose address is known to the secretary of corrections or, if the victim is deceased, to the victim's family if the family's address is known to the secretary of corrections, the governor shall not grant or deny such application until a time at least 30 days after notification is given by publication as provided in this section.

~~(+)-(d)~~ All applications for pardon or commutation of sentence shall be referred to the board. The board shall examine each case and submit a report, together with such information as the board may have concerning the applicant, to the governor within 120 days after referral to the board. The governor shall not grant or deny any such application until the governor has received the report of the board or until 120 days after the referral to the board, whichever time is the shorter and the provisions of subsection ~~(3)-(c)~~ have been satisfied.

Sec. 7. K.S.A. 2014 Supp. 22-3727 is hereby amended to read as follows: 22-3727. (a) Prior to the release of any inmate on parole, conditional release, expiration of sentence or postrelease supervision, if an inmate is released into the community under a program under the supervision of the secretary of corrections, or after the escape of an inmate or death of an inmate while in the secretary of corrections' custody, the secretary of corrections shall give written notice of such release, escape or death to any victim of the inmate's crime who is alive and whose address is known to the secretary or, if the victim is deceased, to the victim's family if the family's address is known to the secretary. Such notice shall be required to be given to the victim or the victim's family only if the inmate was convicted of any crime in article 33, 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 53, 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through ~~21-6421~~ 21-6422, and amendments thereto. Except for notifications of releases due to a court order, escape or death, notification shall be given at least 14 working days prior to the release of such inmate. Failure to notify the victim or the victim's family as provided in this section shall not be a reason for postponement of parole, conditional release or other forms of release.

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

Sec. 8. K.S.A. 2014 Supp. 22-3727a is hereby amended to read as follows: 22-3727a. (a) The county or district attorney shall, as soon as practicable, provide notification as provided in K.S.A. 22-3303, 22-3305, 22-3428, 22-3428a, 22-3430 and 22-3431, and amendments thereto, and upon the escape or death of a committed defendant while in the custody of the secretary for aging and disability services, to any victim of the defendant's crime whose address is known to the county or district attorney, and the victim's family, if so requested and the family's addresses are known to the county or district attorney. Such notice shall be required to be given only if the defendant was charged with any crime in article 33, 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 53, 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through ~~21-6421~~ 21-6422, and amendments thereto.

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

Sec. 9. K.S.A. 2014 Supp. 22-4614 is hereby amended to read as follows: 22-4614. No law enforcement officer, government official or prosecutor shall request or require any person who is alleged to be a victim of an offense described in article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6419 through ~~21-6421~~ 21-6422, and amendments thereto, human trafficking or aggravated human trafficking as defined in K.S.A. 2014 Supp. 21-5426, and amendments thereto, or incest as defined in subsection (a) of K.S.A. 2014 Supp. 21-5604, and amendments thereto, or aggravated incest as defined in subsection (a)(2) of subsection (b)(2) of K.S.A. 2014 Supp. 21-5604, and amendments thereto, to submit to a polygraph examination or similar truth telling device as a condition for proceeding with an investigation, or charging or prosecuting such an offense.

Sec. 10. K.S.A. 2014 Supp. 23-2225 is hereby amended to read as follows: 23-2225. (a) Except as provided in subsection (d), a parent granted rights pursuant to ~~subsection (d) of~~ K.S.A. 2014 Supp. 23-2215(d), and amendments thereto, shall give written notice to the other parent who has been granted rights pursuant to ~~subsection (d) of~~ K.S.A. 2014 Supp. 23-2215(d), and amendments thereto, not less than 30 days prior to: (1) Changing the residence of the child; or (2) removing the child from this state for a period of time exceeding 90 days. Such notice shall be sent by restricted mail, return receipt requested, to the last known address of the other parent.

(b) Failure to give notice as required by subsection (a) is an indirect civil contempt punishable as provided by law. In addition, the court may assess, against the parent required to give notice, reasonable attorney fees and any other expenses incurred by the other parent by reason of the failure to give notice.

(c) A change of the residence or the removal of a child from this state as described in subsection (a) may be considered a material change of circumstances which justifies modification of a prior order of child support, custody or parenting time. In determining any such motion, the court shall consider all factors the court deems appropriate including, but not limited to:

- (1) The effect of the move on the best interests of the child;
- (2) the effect of the move on any party having rights granted pursuant to ~~subsection (d) of~~ K.S.A. 2014 Supp. 23-2215(d), and amendments thereto; and
- (3) the increased cost the move will impose on any party seeking to exercise rights granted under ~~subsection (d) of~~ K.S.A. 2014 Supp. 23-2215(d), and amendments thereto.

(d) A parent who has been granted rights pursuant to ~~subsection (d) of~~ K.S.A. 2014 Supp. 23-2215(d), and amendments thereto, shall not be required to give the notice required by this section to the other parent when the other parent has been convicted of any crime specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through ~~21-6421~~ 21-6422, and amendments thereto, in which the child is the victim of such crime.

(e) This section shall be part of and supplemental to the Kansas parentage act.

Sec. 11. K.S.A. 2014 Supp. 23-3222 is hereby amended to read as follows: 23-3222. (a) Except as provided in subsection (d), a parent entitled to legal custody or residency of or parenting time with a child under this article shall give written notice to the other parent not less than 30 days prior to: (1) Changing the residence of the child; or (2) removing the child from this state for a period of time exceeding 90 days. Such notice shall be sent by restricted mail, return receipt requested, to the last known address of the other parent.

(b) Failure to give notice as required by subsection (a) is an indirect civil contempt punishable as provided by law. In addition, the court may assess, against the parent required to give notice, reasonable attorney fees and any other expenses incurred by the other parent by reason of the failure to give notice.

(c) A change of the residence or the removal of a child as described in subsection (a) may be considered a material change of circumstances which justifies modification of a prior order of legal custody, residency, child support or parenting time. In determining any motion seeking a modification of a prior order based on change of residence or removal as described in (a), the court shall consider all factors the court deems appropriate including, but not limited to: (1) The effect of the move on the best interests of the child; (2) the effect of the move on any party having rights granted under this article; and (3) the increased cost the move will impose on any party seeking to exercise rights granted under this article.

(d) A parent entitled to the legal custody or residency of a child under this article shall not be required to give the notice required by this section to the other parent when the other parent has been convicted of any crime specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2014 Supp. 21-5401 through 21-5609, 21-6104, 21-6325, 21-6326, ~~or 21-6419, 21-6420 or 21-6421 through 21-6422~~, and amendments thereto, in which the child is the victim of such crime.

Sec. 12. K.S.A. 2014 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. 2014 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(j), subsection (m) or (n) of K.S.A. 79-3321(m) or (n), or subsection (a)(14) of K.S.A. 2014 Supp. 21-6301(a)(14)~~, 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. 2014 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. 2014 Supp. 21-6301(a)(14), 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. 2014 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. 2014 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(a), 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. 2014 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. 2014 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. 2014 Supp. 38-2217(a)(2), 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. 2014 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 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 the sale of sexual relations or commercial sexual exploitation of a child, or to be photographed, filmed or depicted in pornographic material. Sexual abuse also shall include allowing, permitting or encouraging a child to engage in aggravated human trafficking, as defined in K.S.A. 2014 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the offender or another.

(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 K.S.A. 2014 Supp. 65-535, 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.

(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.

(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. 13. K.S.A. 2014 Supp. 38-2271 is hereby amended to read as follows: 38-2271. (a) It is presumed in the manner provided in K.S.A. 60-414, and amendments thereto, that a parent is unfit by reason of conduct or condition which renders the parent unable to fully care for a child, if the state establishes, by clear and convincing evidence, that:

(1) A parent has previously been found to be an unfit parent in proceedings under K.S.A. 2014 Supp. 38-2266 et seq., and amendments thereto, or comparable proceedings under the laws of another jurisdiction;

(2) a parent has twice before been convicted of a crime specified in article 34, 35, or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or comparable offenses under the laws of another jurisdiction, or an attempt or attempts to commit such crimes and the victim was under the age of 18 years;

(3) on two or more prior occasions a child in the physical custody of the parent has been adjudicated a child in need of care as defined by ~~subsection (d)(1), (d)(3), (d)(5) or (d)(11)~~ of K.S.A. 2014 Supp. 38-2202(d)(1), (d)(3), (d)(5) or (d)(11), and amendments thereto, or comparable proceedings under the laws of another jurisdiction;

(4) the parent has been convicted of causing the death of another child or stepchild of the parent;

(5) the child has been in an out-of-home placement, under court order for a cumulative total period of one year or longer and the parent has substantially neglected or willfully refused to carry out a reasonable plan, approved by the court, directed toward reintegration of the child into the parental home;

(6) (A) the child has been in an out-of-home placement, under court order for a cumulative total period of two years or longer; (B) the parent has failed to carry out a reasonable plan, approved by the court, directed toward reintegration of the child into the parental home; and (C) there is a substantial probability that the parent will not carry out such plan in the near future;

(7) a parent has been convicted of capital murder, K.S.A. 21-3439, prior to its repeal, or K.S.A. 2014 Supp. 21-5401, and amendments thereto, murder in the first degree, K.S.A. 21-3401, prior to its repeal, or K.S.A. 2014 Supp. 21-5402, and amendments thereto, murder in the second degree, K.S.A. 21-3402, prior to its repeal, or K.S.A. 2014 Supp. 21-5403, and amendments thereto, ~~or~~ voluntary manslaughter, K.S.A. 21-3403, prior to its repeal, or K.S.A. 2014 Supp. 21-5404, and amendments thereto, human trafficking or aggravated human trafficking, K.S.A. 21-3446 or 21-3447, prior to their repeal, or K.S.A. 2014 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, K.S.A. 2014 Supp. 21-6422, and amendments thereto, or comparable proceedings under the laws of another jurisdiction or, has been adjudicated a juvenile offender because of an act which if committed by an

adult would be an offense as provided in this subsection, and the victim of such murder was the other parent of the child;

(8) a parent abandoned or neglected the child after having knowledge of the child's birth or either parent has been granted immunity from prosecution for abandonment of the child under ~~subsection (b)~~ of K.S.A. 21-3604**(b)**, prior to its repeal, or ~~subsection (d)~~ of K.S.A. 2014 Supp. 21-5605**(d)**, and amendments thereto; or

(9) a parent has made no reasonable efforts to support or communicate with the child after having knowledge of the child's birth;

(10) a father, after having knowledge of the pregnancy, failed without reasonable cause to provide support for the mother during the six months prior to the child's birth;

(11) a father abandoned the mother after having knowledge of the pregnancy;

(12) a parent has been convicted of rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2014 Supp. 21-5503, and amendments thereto, or comparable proceedings under the laws of another jurisdiction resulting in the conception of the child; or

(13) a parent has failed or refused to assume the duties of a parent for two consecutive years next preceding the filing of the petition. In making this determination the court may disregard incidental visitations, contacts, communications or contributions.

(b) The burden of proof is on the parent to rebut the presumption of unfitness by a preponderance of the evidence. In the absence of proof that the parent is presently fit and able to care for the child or that the parent will be fit and able to care for the child in the foreseeable future, the court shall terminate parental rights in proceedings pursuant to K.S.A. 2014 Supp. 38-2266 et seq., and amendments thereto.

Sec. 14. K.S.A. 2014 Supp. 38-2309 is hereby amended to read as follows: 38-2309. (a) *Official file.* The official file of proceedings pursuant to this code shall consist of the complaint, process, service of process, orders, writs and journal entries reflecting hearings held, judgments and decrees entered by the court. The official file shall be kept separate from other records of the court.

(b) The official file shall be open for public inspection, unless the judge determines that opening the official file for public inspection is not in the best interests of a juvenile who is less than 14 years of age. Information identifying victims and alleged victims of sex offenses, as defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6419 through ~~21-6421~~ 21-6422, and amendments thereto, or human trafficking or aggravated human trafficking, as defined in K.S.A. 21-3446 or 21-3447, prior to their repeal, or K.S.A. 2014 Supp. 21-5426, and amendments thereto. shall not be disclosed or open to public inspection under any circumstances. Nothing in this section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing such victim's identity. An official file closed pursuant to this section and information identifying the victim or alleged victim of any sex offense shall be disclosed only to the following:

(1) A judge of the district court and members of the staff of the court designated by the judge;

- (2) parties to the proceedings and their attorneys;
- (3) any individual or any public or private agency or institution: (A) Having custody of the juvenile under court order; or (B) providing educational, medical or mental health services to the juvenile;
- (4) the juvenile's court appointed special advocate;
- (5) any placement provider or potential placement provider as determined by the commissioner or court services officer;
- (6) law enforcement officers or county or district attorneys, or their staff, when necessary for the discharge of their official duties;
- (7) the Kansas racing commission, upon written request of the commission chairperson, for the purpose provided by K.S.A. 74-8804, and amendments thereto, except that information identifying the victim or alleged victim of any sex offense shall not be disclosed pursuant to this subsection;
- (8) juvenile intake and assessment workers;
- (9) the commissioner;
- (10) any other person when authorized by a court order, subject to any conditions imposed by the order; and
- (11) the commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

(c) *Social file.* Reports and information received by the court, other than the official file, shall be privileged and open to inspection only by attorneys for the parties, juvenile intake and assessment workers, court appointed special advocates, juvenile community corrections officers, the juvenile's guardian ad litem, if any, or upon order of a judge of the district court or appellate court. The reports shall not be further disclosed without approval of the court or by being presented as admissible evidence.

(d) *Preservation of records.* The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas juvenile justice code or the revised Kansas juvenile justice code whenever such records otherwise would be destroyed. The Kansas state historical society shall make available for public inspection any unexpunged docket entry or official file in its custody concerning any juvenile 14 or more years of age at the time an offense is alleged to have been committed by the juvenile. No other such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 70 years after creation of the records, except as provided in subsections (b) and (c). A judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas juvenile justice code or the revised Kansas juvenile justice code.

(e) Relevant information, reports and records, shall be made available to the department of corrections upon request, and a showing that the former juvenile has been convicted of a crime and placed in the custody of the secretary of corrections.

Sec. 15. K.S.A. 2014 Supp. 38-2310 is hereby amended to read as follows: 38-2310. (a) All records of law enforcement officers and agencies and municipal courts concerning an offense committed or alleged to have been committed by a juvenile under 14 years of age shall be kept readily distinguishable from criminal and other records and shall not be disclosed to anyone except:

(1) The judge of the district court and members of the staff of the court designated by the judge;

(2) parties to the proceedings and their attorneys;

(3) the Kansas department for children and families;

(4) the juvenile's court appointed special advocate, any officer of a public or private agency or institution or any individual having custody of a juvenile under court order or providing educational, medical or mental health services to a juvenile;

(5) any educational institution, to the extent necessary to enable the educational institution to provide the safest possible environment for its pupils and employees;

(6) any educator, to the extent necessary to enable the educator to protect the personal safety of the educator and the educator's pupils;

(7) law enforcement officers or county or district attorneys, or their staff, when necessary for the discharge of their official duties;

(8) the central repository, as defined by K.S.A. 22-4701, and amendments thereto, for use only as a part of the juvenile offender information system established under K.S.A. 2014 Supp. 38-2326, and amendments thereto;

(9) juvenile intake and assessment workers;

(10) ~~the juvenile justice authority~~ department of corrections.

(11) juvenile community corrections officers;

(12) any other person when authorized by a court order, subject to any conditions imposed by the order; and

(13) as provided in subsection (c).

(b) The provisions of this section shall not apply to records concerning:

(1) A violation, by a person 14 or more years of age, of any provision of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, or of any city ordinance or county resolution which relates to the regulation of traffic on the roads, highways or streets or the operation of self-propelled or nonself-propelled vehicles of any kind;

(2) a violation, by a person 16 or more years of age, of any provision of chapter 32 of the Kansas Statutes Annotated, and amendments thereto; or

(3) an offense for which the juvenile is prosecuted as an adult.

(c) All records of law enforcement officers and agencies and municipal courts concerning an offense committed or alleged to have been committed by a juvenile 14 or more years of age shall be subject to the same disclosure restrictions as the records of adults. Information identifying victims and alleged victims of sex offenses, as defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, ~~or and amendments thereto.~~ K.S.A. 2014 Supp. 21-6419 through ~~21-6421~~ 21-6422, and amendments thereto, ~~or human trafficking or aggravated human trafficking, as defined in K.S.A. 21-3446 or 21-3447, prior to their repeal, or K.S.A. 2014 Supp. 21-5426, and amendments thereto.~~ shall not be disclosed or open to public inspection under any circumstances. Nothing in this section shall prohibit the victim or any alleged victim of any sex offense from voluntarily disclosing such victim's identity.

(d) Relevant information, reports and records, shall be made available to the department of corrections upon request and a showing that the former juvenile has been convicted of a crime and placed in the custody of the secretary of corrections.

(e) All records, reports and information obtained as a part of the juvenile intake and assessment process for juveniles shall be confidential, and shall not be disclosed except as provided by statutory law and rules and regulations promulgated by the commissioner ~~thereunder~~.

(1) Any court of record may order the disclosure of such records, reports and other information to any person or entity.

(2) The head of any juvenile intake and assessment program, certified by the commissioner of juvenile justice, may authorize disclosure of such records, reports and other information to:

(A) A person licensed to practice the healing arts who has before that person a juvenile whom the person reasonably suspects may be abused or neglected;

(B) a court-appointed special advocate for a juvenile or an agency having the legal responsibility or authorization to care for, treat or supervise a juvenile;

(C) a parent or other person responsible for the welfare of a juvenile, or such person's legal representative, with protection for the identity of persons reporting and other appropriate persons;

(D) the juvenile, the attorney and a guardian ad litem, if any, for such juvenile;

(E) the police or other law enforcement agency;

(F) an agency charged with the responsibility of preventing or treating physical, mental or emotional abuse or neglect or sexual abuse of children, if the agency requesting the information has standards of confidentiality as strict or stricter than the requirements of the Kansas code for care of children or the revised Kansas juvenile justice code, whichever is applicable;

(G) members of a multidisciplinary team under this code;

(H) an agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a child who is the subject of a report or record of child abuse or neglect;

(I) any individual, or public or private agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a juvenile who is the subject of a report or record of child abuse or neglect, specifically including the following: Physicians, psychiatrists, nurses, nurse practitioners, psychologists, licensed social workers, child development specialists, ~~physicians'~~ physician assistants, community mental health workers, ~~alcohol and drug abuse~~ addiction counselors and licensed or registered child care providers;

(J) a citizen review board pursuant to K.S.A. 2014 Supp. 38-2207, and amendments thereto;

(K) an educational institution to the extent necessary to enable such institution to provide the safest possible environment for pupils and employees of the institution;

(L) any educator to the extent necessary for the protection of the educator and pupils; and

(M) any juvenile intake and assessment worker of another certified juvenile intake and assessment program.

Sec. 16. K.S.A. 2014 Supp. 39-970 is hereby amended to read as follows: 39-970. (a) (1) No person shall knowingly operate an adult care home if, in the adult care home, there works any person who has been convicted of or has been adjudicated a juvenile offender because of having committed an act which if done by an adult would constitute the commission of capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 2014 Supp. 21-5401, and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2014 Supp. 21-5402, and amendments thereto, second degree murder, pursuant to ~~subsection (a) of~~ K.S.A. 21-3402(a), prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5403(a), and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 2014 Supp. 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 2014 Supp. 21-5407, and amendments thereto, mistreatment of a dependent adult or mistreatment of an elder person, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 2014 Supp. 21-5417, and amendments thereto, human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal, or K.S.A. 2014 Supp. 21-5426(a), and amendments thereto, aggravated human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 2014 Supp. 21-5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to its repeal, or K.S.A. 2014 Supp. 21-5503, and amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5506(a), and amendments thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2014 Supp. 21-5506(b), and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2014 Supp. 21-5504(b), and amendments thereto, indecent solicitation of a child, pursuant to K.S.A. 21-3510, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5508(a), and amendments thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-3511, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2014 Supp. 21-5508(b), and amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 2014 Supp. 21-5510, and amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5505(a), and amendments thereto, ~~or~~ aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2014 Supp. 21-5505(b), and amendments thereto, commercial sexual exploitation of a child, pursuant to K.S.A. 2014 Supp. 21-6422, and amendments thereto, an attempt to commit any of the crimes listed in this subsection (a) (1), pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2014 Supp. 21-5301, and amendments thereto, a conspiracy to commit any of the crimes listed in this subsection (a)(1), pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2014 Supp. 21-5302, and amendments thereto, or criminal solicitation of any of the crimes listed in this subsection (a)(1), pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2014 Supp. 21-5303, and amendments thereto, or similar statutes of other states or the federal government. The provisions of subsection (a)(2)(C) shall not apply to any person who is employed by an adult care home on July 1, 2010, and while continuously employed by the same adult care home.

(2) A person operating an adult care home may employ an applicant who has been convicted of any of the following if five or more years have elapsed since the applicant satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; or if five or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer: A felony conviction for a crime which is described in: (A) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto, except those crimes listed in subsection (a)(1); (B) articles 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6419 through 21-6421, and amendments thereto, except those crimes listed in subsection (a)(1) and K.S.A. 21-3605, prior to its repeal, or K.S.A. 2014 Supp. 21-5606, and amendments thereto; (C) K.S.A. 21-3701, prior to its repeal, or K.S.A. 2014 Supp. 21-5801, and amendments thereto; (D) an attempt to commit any of the crimes listed in this subsection (a)(2), pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2014 Supp. 21-5301, and amendments thereto; (E) a conspiracy to commit any of the crimes listed in subsection (a)(2), pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2014 Supp. 21-5302, and amendments thereto; (F) criminal solicitation of any of the crimes listed in subsection (a)(2), pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2014 Supp. 21-5303, and amendments thereto; or (G) similar statutes of other states or the federal government.

(b) No person shall operate an adult care home if such person has been found to be in need of a guardian or conservator, or both as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto. The provisions of this subsection shall not apply to a minor found to be in need of a guardian or conservator for reasons other than impairment.

(c) The secretary for aging and disability services shall have access to any criminal history record information in the possession of the Kansas bureau of investigation regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2014 Supp. 21-5417, ~~subsection (a) of 21-5505(a)~~ and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2014 Supp. 21-5417, ~~subsection (a) of 21-5505(a)~~ and 21-5801, and amendments thereto, concerning persons working in an adult care home. The secretary shall have access to these records for the purpose of determining whether or not the adult care home meets the requirements of this section. The Kansas bureau of investigation may charge to the Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.

(d) For the purpose of complying with this section, the operator of an adult care home shall request from the Kansas department for aging and disability services information regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2014 Supp. 21-5417, ~~subsection (a) of~~ 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2014 Supp. 21-5417, ~~subsection (a) of~~ 21-5505(a) and 21-5801, and amendments thereto, and which relates to a person who works in the adult care home, or is being considered for employment by the adult care home, for the purpose of determining whether such person is subject to the provision of this section. For the purpose of complying with this section, the operator of an adult care home shall receive from any employment agency which provides employees to work in the adult care home written certification that such employees are not prohibited from working in the adult care home under this section. For the purpose of complying with this section, information relating to convictions and adjudications by the federal government or to convictions and adjudications in states other than Kansas shall not be required until such time as the secretary for aging and disability services determines the search for such information could reasonably be performed and the information obtained within a two-week period. For the purpose of complying with this section, a person who operates an adult care home may hire an applicant for employment on a conditional basis pending the results from the Kansas department for aging and disability services of a request for information under this subsection. No adult care home, the operator or employees of an adult care home or an employment agency, or the operator or employees of an employment agency, shall be liable for civil damages resulting from any decision to employ, to refuse to employ or to discharge from employment any person based on such adult care home's compliance with the provisions of this section if such adult care home or employment agency acts in good faith to comply with this section.

(e) The secretary for aging and disability services shall charge each person requesting information under this section a fee equal to cost, not to exceed \$10, for each name about which an information request has been submitted to the department under this section.

(f) (1) The secretary for aging and disability services shall provide each operator requesting information under this section with the criminal history record information concerning any criminal history information and convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2014 Supp. 21-5417, ~~subsection (a) of~~ 21-5505(a) and 21-5801, and amendments thereto, in writing and within three working days of receipt of such information from the Kansas bureau of investigation. The criminal history record information shall be provided regardless of whether the information discloses that the subject of the request has been convicted of an offense enumerated in subsection (a).

(2) When an offense enumerated in subsection (a) exists in the criminal history record information, and when further confirmation regarding criminal history record information is required from the appropriate court of jurisdiction or Kansas department of corrections, the secretary shall notify each operator that requests information under this section in writing and within three working days of receipt from the Kansas bureau

of investigation that further confirmation is required. The secretary shall provide to the operator requesting information under this section information in writing and within three working days of receipt of such information from the appropriate court of jurisdiction or Kansas department of corrections regarding confirmation regarding the criminal history record information.

(3) Whenever the criminal history record information reveals that the subject of the request has no criminal history on record, the secretary shall provide notice to each operator requesting information under this section, in writing and within three working days after receipt of such information from the Kansas bureau of investigation.

(4) The secretary for aging and disability services shall not provide each operator requesting information under this section with the juvenile criminal history record information which relates to a person subject to a background check as is provided by K.S.A. 2014 Supp. 38-2326, and amendments thereto, except for adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2014 Supp. 21-5801, and amendments thereto. The secretary shall notify the operator that requested the information, in writing and within three working days of receipt of such information from the Kansas bureau of investigation, whether juvenile criminal history record information received pursuant to this section reveals that the operator would or would not be prohibited by this section from employing the subject of the request for information and whether such information contains adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2014 Supp. 21-5801, and amendments thereto.

(5) An operator who receives criminal history record information under this subsection ~~(f)~~ shall keep such information confidential, except that the operator may disclose such information to the person who is the subject of the request for information. A violation of this paragraph ~~(5)~~ shall be an unclassified misdemeanor punishable by a fine of \$100.

(g) No person who works for an adult care home and who is currently licensed or registered by an agency of this state to provide professional services in the state and who provides such services as part of the work which such person performs for the adult care home shall be subject to the provisions of this section.

(h) A person who volunteers in an adult care home shall not be subject to the provisions of this section because of such volunteer activity.

(i) An operator may request from the Kansas department for aging and disability services criminal history information on persons employed under subsections (g) and (h).

(j) No person who has been employed by the same adult care home since July 1, 1992, shall be subject to the provisions of this section while employed by such adult care home.

(k) The operator of an adult care home shall not be required under this section to conduct a background check on an applicant for employment with the adult care home if the applicant has been the subject of a background check under this act within one year prior to the application for employment with the adult care home. The operator of an adult care home where the applicant was the subject of such background check may release a copy of such background check to the operator of an adult care home where the applicant is currently applying.

(l) No person who is in the custody of the secretary of corrections and who provides services, under direct supervision in nonpatient areas, on the grounds or other areas designated by the superintendent of the Kansas soldiers' home or the Kansas veterans' home shall be subject to the provisions of this section while providing such services.

(m) For purposes of this section, the Kansas bureau of investigation shall report any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2014 Supp. 21-5417, ~~subsection (a) of 21-5505(a)~~ and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2014 Supp. 21-5417, ~~subsection (a) of 21-5505(a)~~ and 21-5801, and amendments thereto, to the secretary for aging and disability services when a background check is requested.

(n) This section shall be part of and supplemental to the adult care home licensure act.

Sec. 17. K.S.A. 2014 Supp. 44-706 is hereby amended to read as follows: 44-706. An individual shall be disqualified for benefits:

(a) If the individual left work voluntarily without good cause attributable to the work or the employer, subject to the other provisions of this subsection. For purposes of this subsection, "good cause" is cause of such gravity that would impel a reasonable, not supersensitive, individual exercising ordinary common sense to leave employment. Good cause requires a showing of good faith of the individual leaving work, including the presence of a genuine desire to work. Failure to return to work after expiration of approved personal or medical leave, or both, shall be considered a voluntary resignation. After a temporary job assignment, failure of an individual to affirmatively request an additional assignment on the next succeeding workday, if required by the employment agreement, after completion of a given work assignment, shall constitute leaving work voluntarily. The disqualification shall begin the day following the separation and shall continue until after the individual has become reemployed and has had earnings from insured work of at least three times the individual's weekly benefit amount. An individual shall not be disqualified under this subsection if:

(1) The individual was forced to leave work because of illness or injury upon the advice of a licensed and practicing health care provider and, upon learning of the necessity for absence, immediately notified the employer thereof, or the employer consented to the absence, and after recovery from the illness or injury, when recovery was certified by a practicing health care provider, the individual returned to the employer and offered to perform services and the individual's regular work or comparable and suitable work was not available. As used in this paragraph "health care provider" means any person licensed by the proper licensing authority of any state to engage in the practice of medicine and surgery, osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

(2) the individual left temporary work to return to the regular employer;

(3) the individual left work to enlist in the armed forces of the United States, but was rejected or delayed from entry;

(4) the spouse of an individual who is a member of the armed forces of the United States who left work because of the voluntary or involuntary transfer of the individual's spouse from one job to another job, which is for the same employer or for a different employer, at a geographic location which makes it unreasonable for the individual to continue work at the individual's job. For the purposes of this provision the term "armed forces" means active duty in the army, navy, marine corps, air force, coast guard or any branch of the military reserves of the United States;

(5) the individual left work because of hazardous working conditions; in determining whether or not working conditions are hazardous for an individual, the degree of risk involved to the individual's health, safety and morals, the individual's physical fitness and prior training and the working conditions of workers engaged in the same or similar work for the same and other employers in the locality shall be considered; as used in this paragraph, "hazardous working conditions" means working conditions that could result in a danger to the physical or mental well-being of the individual; each determination as to whether hazardous working conditions exist shall include, but shall not be limited to, a consideration of: (A) The safety measures used or the lack thereof; and (B) the condition of equipment or lack of proper equipment; no work shall be considered hazardous if the working conditions surrounding the individual's work are the same or substantially the same as the working conditions generally prevailing among individuals performing the same or similar work for other employers engaged in the same or similar type of activity;

(6) the individual left work to enter training approved under section 236(a)(1) of the federal trade act of 1974, provided the work left is not of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the federal trade act of 1974, and wages for such work are not less than 80% of the individual's average weekly wage as determined for the purposes of the federal trade act of 1974;

(7) the individual left work because of unwelcome harassment of the individual by the employer or another employee of which the employing unit had knowledge and that would impel the average worker to give up such worker's employment;

(8) the individual left work to accept better work; each determination as to whether or not the work accepted is better work shall include, but shall not be limited to, consideration of: (A) The rate of pay, the hours of work and the probable permanency of the work left as compared to the work accepted; (B) the cost to the individual of getting to the work left in comparison to the cost of getting to the work accepted; and (C) the distance from the individual's place of residence to the work accepted in comparison to the distance from the individual's residence to the work left;

(9) the individual left work as a result of being instructed or requested by the employer, a supervisor or a fellow employee to perform a service or commit an act in the scope of official job duties which is in violation of an ordinance or statute;

(10) the individual left work because of a substantial violation of the work agreement by the employing unit and, before the individual left, the individual had exhausted all remedies provided in such agreement for the settlement of disputes before terminating. For the purposes of this paragraph, a demotion based on performance does not constitute a violation of the work agreement;

(11) after making reasonable efforts to preserve the work, the individual left work due to a personal emergency of such nature and compelling urgency that it would be contrary to good conscience to impose a disqualification; or

(12) (A) the individual left work due to circumstances resulting from domestic violence, including:

(i) The individual's reasonable fear of future domestic violence at or en route to or from the individual's place of employment;

(ii) the individual's need to relocate to another geographic area in order to avoid future domestic violence;

(iii) the individual's need to address the physical, psychological and legal impacts of domestic violence;

(iv) the individual's need to leave employment as a condition of receiving services or shelter from an agency which provides support services or shelter to victims of domestic violence; or

(v) the individual's reasonable belief that termination of employment is necessary to avoid other situations which may cause domestic violence and to provide for the future safety of the individual or the individual's family.

(B) An individual may prove the existence of domestic violence by providing one of the following:

(i) A restraining order or other documentation of equitable relief by a court of competent jurisdiction;

(ii) a police record documenting the abuse;

(iii) documentation that the abuser has been convicted of one or more of the offenses enumerated in articles 34 and 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through ~~21-6421~~ 21-6422, and amendments thereto, where the victim was a family or household member;

(iv) medical documentation of the abuse;

(v) a statement provided by a counselor, social worker, health care provider, clergy, shelter worker, legal advocate, domestic violence or sexual assault advocate or other professional who has assisted the individual in dealing with the effects of abuse on the individual or the individual's family; or

(vi) a sworn statement from the individual attesting to the abuse.

(C) No evidence of domestic violence experienced by an individual, including the individual's statement and corroborating evidence, shall be disclosed by the department of labor unless consent for disclosure is given by the individual.

(b) If the individual has been discharged or suspended for misconduct connected with the individual's work. The disqualification shall begin the day following the separation and shall continue until after the individual becomes reemployed and in cases where the disqualification is due to discharge for misconduct has had earnings from insured work of at least three times the individual's determined weekly benefit amount, except that if an individual is discharged for gross misconduct connected with the individual's work, such individual shall be disqualified for benefits until such individual again becomes employed and has had earnings from insured work of at least eight times such individual's determined weekly benefit amount. In addition, all wage credits attributable to the employment from which the individual was discharged for

gross misconduct connected with the individual's work shall be canceled. No such cancellation of wage credits shall affect prior payments made as a result of a prior separation.

(1) For the purposes of this subsection, "misconduct" is defined as a violation of a duty or obligation reasonably owed the employer as a condition of employment including, but not limited to, a violation of a company rule, including a safety rule, if: (A) The individual knew or should have known about the rule; (B) the rule was lawful and reasonably related to the job; and (C) the rule was fairly and consistently enforced.

(2) (A) Failure of the employee to notify the employer of an absence and an individual's leaving work prior to the end of such individual's assigned work period without permission shall be considered prima facie evidence of a violation of a duty or obligation reasonably owed the employer as a condition of employment.

(B) For the purposes of this subsection, misconduct shall include, but not be limited to, violation of the employer's reasonable attendance expectations if the facts show:

- (i) The individual was absent or tardy without good cause;
- (ii) the individual had knowledge of the employer's attendance expectation; and
- (iii) the employer gave notice to the individual that future absence or tardiness may or will result in discharge.

(C) For the purposes of this subsection, if an employee disputes being absent or tardy without good cause, the employee shall present evidence that a majority of the employee's absences or tardiness were for good cause. If the employee alleges that the employee's repeated absences or tardiness were the result of health related issues, such evidence shall include documentation from a licensed and practicing health care provider as defined in subsection (a)(1).

(3) (A) The term "gross misconduct" as used in this subsection shall be construed to mean conduct evincing extreme, willful or wanton misconduct as defined by this subsection. Gross misconduct shall include, but not be limited to: (i) Theft; (ii) fraud; (iii) intentional damage to property; (iv) intentional infliction of personal injury; or (v) any conduct that constitutes a felony.

(B) For the purposes of this subsection, the following shall be conclusive evidence of gross misconduct:

(i) The use of alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance by an individual while working;

(ii) the impairment caused by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance by an individual while working;

(iii) a positive breath alcohol test or a positive chemical test, provided:

(a) The test was either:

(1) Required by law and was administered pursuant to the drug free workplace act, 41 U.S.C. § 701 et seq.;

(2) administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;

(3) requested pursuant to a written policy of the employer of which the employee had knowledge and was a required condition of employment;

(4) required by law and the test constituted a required condition of employment for the individual's job; or

(5) there was reasonable suspicion to believe that the individual used, had possession of, or was impaired by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance while working;

(b) the test sample was collected either:

(1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et seq.;

(2) as prescribed by an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;

(3) as prescribed by the written policy of the employer of which the employee had knowledge and which constituted a required condition of employment;

(4) as prescribed by a test which was required by law and which constituted a required condition of employment for the individual's job; or

(5) at a time contemporaneous with the events establishing probable cause;

(c) the collecting and labeling of a chemical test sample was performed by a licensed health care professional or any other individual certified pursuant to paragraph (b)(3)(A)(iii)(f) or authorized to collect or label test samples by federal or state law, or a federal or state rule or regulation having the force or effect of law, including law enforcement personnel;

(d) the chemical test was performed by a laboratory approved by the United States department of health and human services or licensed by the department of health and environment, except that a blood sample may be tested for alcohol content by a laboratory commonly used for that purpose by state law enforcement agencies;

(e) the chemical test was confirmed by gas chromatography, gas chromatography-mass spectroscopy or other comparably reliable analytical method, except that no such confirmation is required for a blood alcohol sample or a breath alcohol test;

(f) the breath alcohol test was administered by an individual trained to perform breath tests, the breath testing instrument used was certified and operated strictly according to a description provided by the manufacturers and the reliability of the instrument performance was assured by testing with alcohol standards; and

(g) the foundation evidence establishes, beyond a reasonable doubt, that the test results were from the sample taken from the individual;

(iv) an individual's refusal to submit to a chemical test or breath alcohol test, provided:

(a) The test meets the standards of the drug free workplace act, 41 U.S.C. § 701 et seq.;

(b) the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;

(c) the test was otherwise required by law and the test constituted a required condition of employment for the individual's job;

(d) the test was requested pursuant to a written policy of the employer of which the employee had knowledge and was a required condition of employment; or

(e) there was reasonable suspicion to believe that the individual used, possessed or was impaired by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance while working;

(v) an individual's dilution or other tampering of a chemical test.

(C) For purposes of this subsection:

(i) "Alcohol concentration" means the number of grams of alcohol per 210 liters of breath;

(ii) "alcoholic liquor" shall be defined as provided in K.S.A. 41-102, and amendments thereto;

(iii) "cereal malt beverage" shall be defined as provided in K.S.A. 41-2701, and amendments thereto;

(iv) "chemical test" shall include, but is not limited to, tests of urine, blood or saliva;

(v) "controlled substance" shall be defined as provided in K.S.A. 2014 Supp. 21-5701, and amendments thereto;

(vi) "required by law" means required by a federal or state law, a federal or state rule or regulation having the force and effect of law, a county resolution or municipal ordinance, or a policy relating to public safety adopted in an open meeting by the governing body of any special district or other local governmental entity;

(vii) "positive breath test" shall mean a test result showing an alcohol concentration of 0.04 or greater, or the levels listed in 49 C.F.R. part 40, if applicable, unless the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment, in which case "positive chemical test" shall mean a test result showing an alcohol concentration at or above the levels provided for in the assistance or treatment program;

(viii) "positive chemical test" shall mean a chemical result showing a concentration at or above the levels listed in K.S.A. 44-501, and amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or abuse listed therein, unless the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment, in which case "positive chemical test" shall mean a chemical result showing a concentration at or above the levels provided for in the assistance or treatment program.

(4) An individual shall not be disqualified under this subsection if the individual is discharged under the following circumstances:

(A) The employer discharged the individual after learning the individual was seeking other work or when the individual gave notice of future intent to quit, except that the individual shall be disqualified after the time at which such individual intended to quit and any individual who commits misconduct after such individual gives notice to such individual's intent to quit shall be disqualified;

(B) the individual was making a good-faith effort to do the assigned work but was discharged due to: (i) Inefficiency; (ii) unsatisfactory performance due to inability, incapacity or lack of training or experience; (iii) isolated instances of ordinary negligence or inadvertence; (iv) good-faith errors in judgment or discretion; or (v) unsatisfactory work or conduct due to circumstances beyond the individual's control; or

(C) the individual's refusal to perform work in excess of the contract of hire.

(c) If the individual has failed, without good cause, to either apply for suitable work when so directed by the employment office of the secretary of labor, or to accept suitable work when offered to the individual by the employment office, the secretary of labor, or an employer, such disqualification shall begin with the week in which such failure occurred and shall continue until the individual becomes reemployed and has had earnings from insured work of at least three times such individual's determined weekly benefit amount. In determining whether or not any work is suitable for an individual, the secretary of labor, or a person or persons designated by the secretary, shall consider the degree of risk involved to health, safety and morals, physical fitness and prior training, experience and prior earnings, length of unemployment and prospects for securing local work in the individual's customary occupation or work for which the individual is reasonably fitted by training or experience, and the distance of the available work from the individual's residence. Notwithstanding any other provisions of this act, an otherwise eligible individual shall not be disqualified for refusing an offer of suitable employment, or failing to apply for suitable employment when notified by an employment office, or for leaving the individual's most recent work accepted during approved training, including training approved under section 236(a)(1) of the trade act of 1974, if the acceptance of or applying for suitable employment or continuing such work would require the individual to terminate approved training and no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (1) If the position offered is vacant due directly to a strike, lockout or other labor dispute; (2) if the remuneration, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (3) if as a condition of being employed, the individual would be required to join or to resign from or refrain from joining any labor organization; and (4) if the individual left employment as a result of domestic violence, and the position offered does not reasonably accommodate the individual's physical, psychological, safety, or legal needs relating to such domestic violence.

(d) For any week with respect to which the secretary of labor, or a person or persons designated by the secretary, finds that the individual's unemployment is due to a stoppage of work which exists because of a labor dispute or there would have been a work stoppage had normal operations not been maintained with other personnel previously and currently employed by the same employer at the factory, establishment or other premises at which the individual is or was last employed, except that this subsection (d) shall not apply if it is shown to the satisfaction of the secretary of labor, or a person or persons designated by the secretary, that: (1) The individual is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and (2) the individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs any of whom are participating in or financing or directly interested in the dispute. If in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this subsection be deemed to be a separate factory, establishment or other premises. For the purposes of this subsection, failure or refusal to cross a picket

line or refusal for any reason during the continuance of such labor dispute to accept the individual's available and customary work at the factory, establishment or other premises where the individual is or was last employed shall be considered as participation and interest in the labor dispute.

(e) For any week with respect to which or a part of which the individual has received or is seeking unemployment benefits under the unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such other state or the United States finally determines that the individual is not entitled to such unemployment benefits, this disqualification shall not apply.

(f) For any week with respect to which the individual is entitled to receive any unemployment allowance or compensation granted by the United States under an act of congress to ex-service men and women in recognition of former service with the military or naval services of the United States.

(g) For the period of five years beginning with the first day following the last week of unemployment for which the individual received benefits, or for five years from the date the act was committed, whichever is the later, if the individual, or another in such individual's behalf with the knowledge of the individual, has knowingly made a false statement or representation, or has knowingly failed to disclose a material fact to obtain or increase benefits under this act or any other unemployment compensation law administered by the secretary of labor. In addition to the penalties set forth in K.S.A. 44-719, and amendments thereto, an individual who has knowingly made a false statement or representation or who has knowingly failed to disclose a material fact to obtain or increase benefits under this act or any other unemployment compensation law administered by the secretary of labor shall be liable for a penalty in the amount equal to 25% of the amount of benefits unlawfully received. Notwithstanding any other provision of law, such penalty shall be deposited into the employment security trust fund.

(h) For any week with respect to which the individual is receiving compensation for temporary total disability or permanent total disability under the workmen's compensation law of any state or under a similar law of the United States.

(i) For any week of unemployment on the basis of service in an instructional, research or principal administrative capacity for an educational institution as defined in ~~subsection (v) of K.S.A. 44-703(v)~~, and amendments thereto, if such week begins during the period between two successive academic years or terms or, when an agreement provides instead for a similar period between two regular but not successive terms during such period or during a period of paid sabbatical leave provided for in the individual's contract, if the individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

(j) For any week of unemployment on the basis of service in any capacity other than service in an instructional, research, or administrative capacity in an educational institution, as defined in ~~subsection (v) of K.S.A. 44-703(v)~~, and amendments thereto, if such week begins during the period between two successive academic years or terms if the individual performs such services in the first of such academic years or terms and there is a reasonable assurance that the individual will perform such services in the second of such academic years or terms, except that if benefits are denied to the

individual under this subsection and the individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subsection.

(k) For any week of unemployment on the basis of service in any capacity for an educational institution as defined in ~~subsection (v)~~ of K.S.A. 44-703(v), and amendments thereto, if such week begins during an established and customary vacation period or holiday recess, if the individual performs services in the period immediately before such vacation period or holiday recess and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(l) For any week of unemployment on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such week begins during the period between two successive sport seasons or similar period if such individual performed services in the first of such seasons or similar periods and there is a reasonable assurance that such individual will perform such services in the later of such seasons or similar periods.

(m) For any week on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed, including an alien who was lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the federal immigration and nationality act. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of such individual's alien status shall be made except upon a preponderance of the evidence.

(n) For any week in which an individual is receiving a governmental or other pension, retirement or retired pay, annuity or other similar periodic payment under a plan maintained by a base period employer and to which the entire contributions were provided by such employer, except that: (1) If the entire contributions to such plan were provided by the base period employer but such individual's weekly benefit amount exceeds such governmental or other pension, retirement or retired pay, annuity or other similar periodic payment attributable to such week, the weekly benefit amount payable to the individual shall be reduced, but not below zero, by an amount equal to the amount of such pension, retirement or retired pay, annuity or other similar periodic payment which is attributable to such week; or (2) if only a portion of contributions to such plan were provided by the base period employer, the weekly benefit amount payable to such individual for such week shall be reduced, but not below zero, by the prorated weekly amount of the pension, retirement or retired pay, annuity or other similar periodic payment after deduction of that portion of the pension, retirement or retired pay, annuity or other similar periodic payment that is directly attributable to the percentage of the contributions made to the plan by such individual; or (3) if the entire contributions to the plan were provided by such individual, or by the individual and an

employer, or any person or organization, who is not a base period employer, no reduction in the weekly benefit amount payable to the individual for such week shall be made under this subsection; or (4) whatever portion of contributions to such plan were provided by the base period employer, if the services performed for the employer by such individual during the base period, or remuneration received for the services, did not affect the individual's eligibility for, or increased the amount of, such pension, retirement or retired pay, annuity or other similar periodic payment, no reduction in the weekly benefit amount payable to the individual for such week shall be made under this subsection. No reduction shall be made for payments made under the social security act or railroad retirement act of 1974.

(o) For any week of unemployment on the basis of services performed in any capacity and under any of the circumstances described in subsection (i), (j) or (k) which an individual performed in an educational institution while in the employ of an educational service agency. For the purposes of this subsection, the term "educational service agency" means a governmental agency or entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

(p) For any week of unemployment on the basis of service as a school bus or other motor vehicle driver employed by a private contractor to transport pupils, students and school personnel to or from school-related functions or activities for an educational institution, as defined in ~~subsection (v) of~~ K.S.A. 44-703(v), and amendments thereto, if such week begins during the period between two successive academic years or during a similar period between two regular terms, whether or not successive, if the individual has a contract or contracts, or a reasonable assurance thereof, to perform services in any such capacity with a private contractor for any educational institution for both such academic years or both such terms. An individual shall not be disqualified for benefits as provided in this subsection for any week of unemployment on the basis of service as a bus or other motor vehicle driver employed by a private contractor to transport persons to or from nonschool-related functions or activities.

(q) For any week of unemployment on the basis of services performed by the individual in any capacity and under any of the circumstances described in subsection (i), (j), (k) or (o) which are provided to or on behalf of an educational institution, as defined in ~~subsection (v) of~~ K.S.A. 44-703(v), and amendments thereto, while the individual is in the employ of an employer which is a governmental entity, Indian tribe or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income under section 501(a) of the code.

(r) For any week in which an individual is registered at and attending an established school, training facility or other educational institution, or is on vacation during or between two successive academic years or terms. An individual shall not be disqualified for benefits as provided in this subsection provided:

(1) The individual was engaged in full-time employment concurrent with the individual's school attendance;

(2) the individual is attending approved training as defined in ~~subsection (s) of~~ K.S.A. 44-703(s), and amendments thereto; or

(3) the individual is attending evening, weekend or limited day time classes, which would not affect availability for work, and is otherwise eligible under ~~subsection (e)~~ of K.S.A. 44-705(c), and amendments thereto.

(s) For any week with respect to which an individual is receiving or has received remuneration in the form of a back pay award or settlement. The remuneration shall be allocated to the week or weeks in the manner as specified in the award or agreement, or in the absence of such specificity in the award or agreement, such remuneration shall be allocated to the week or weeks in which such remuneration, in the judgment of the secretary, would have been paid.

(1) For any such weeks that an individual receives remuneration in the form of a back pay award or settlement, an overpayment will be established in the amount of unemployment benefits paid and shall be collected from the claimant.

(2) If an employer chooses to withhold from a back pay award or settlement, amounts paid to a claimant while they claimed unemployment benefits, such employer shall pay the department the amount withheld. With respect to such amount, the secretary shall have available all of the collection remedies authorized or provided in K.S.A. 44-717, and amendments thereto.

(t) (1) Any applicant for or recipient of unemployment benefits 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 labor, secretary of commerce or secretary for children and families, and a job skills program approved by the secretary of labor, secretary of commerce or the secretary for children and families. Subject to applicable federal laws, any applicant for or recipient of unemployment benefits who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this subsection shall be ineligible to receive unemployment benefits until completion of such substance abuse treatment and job skills programs. Upon completion of both substance abuse treatment and job skills programs, such applicant for or recipient of unemployment benefits may be subject to periodic drug screening, as determined by the secretary of labor. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, an applicant for or recipient of unemployment benefits shall be ordered to complete again a substance abuse treatment program and job skills program, and shall be terminated from unemployment benefits for a period of 12 months, or until such applicant for or recipient of unemployment benefits completes both substance abuse treatment and job skills programs, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, an applicant for or a recipient of unemployment benefits shall be terminated from receiving unemployment benefits, subject to applicable federal law.

(2) Any individual who has been discharged or refused employment for failing a preemployment drug screen required by an employer may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any such individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening.

(u) If the individual was found not to have a disqualifying adjudication or conviction under K.S.A. 39-970 or 65-5117, and amendments thereto, was hired and then was subsequently convicted of a disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and amendments thereto. The disqualification shall begin the day following the separation and shall continue until after the individual becomes reemployed and has had earnings from insured work of at least three times the individual's determined weekly benefit amount.

Sec. 18. K.S.A. 2014 Supp. 59-2132 is hereby amended to read as follows: 59-2132. (a) Except as provided in subsection (h), in independent and agency adoptions, the court shall require the petitioner to obtain an assessment of the advisability of the adoption by a court approved:

(1) (A) Licensed social worker, licensed specialist social worker, licensed specialist clinical social worker, licensed masters social worker, licensed baccalaureate social worker or licensed associate social worker licensed by the behavioral sciences regulatory board;

(B) licensed clinical marriage and family therapist as defined in K.S.A. 65-6402, and amendments thereto;

(C) licensed marriage and family therapist as defined in K.S.A. 65-6402, and amendments thereto;

(D) licensed clinical professional counselor as defined in K.S.A. 65-5802, and amendments thereto;

(E) licensed professional counselor as defined in K.S.A. 65-5802, and amendments thereto;

(F) licensed psychologist as defined in K.S.A. 65-6319, and amendments thereto;

(G) licensed masters level psychologist as defined in K.S.A. 74-5362, and amendments thereto;

(H) licensed clinical psychotherapist as defined in K.S.A. 74-5363, and amendments thereto; or

(I) a licensed child-placing agency.

(2) Any person performing an assessment pursuant to this subsection shall:

(A) Possess a minimum of two years experience in adoption services or be supervised by a person with such experience; or

(B) if licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders in independent practice, possess a minimum of one year of experience in adoption services or be supervised by a person with such experience.

(b) The petitioner shall file with the court, not less than 10 days before the hearing on the petition, a report of the assessment and, if necessary, confirmation or clarification of the information filed under K.S.A. 59-2130, and amendments thereto.

(c) If there is no one authorized pursuant to this section available to make the assessment and report to the court, the court may use the Kansas department for children and families for that purpose.

(d) The costs of making the assessment and report may be assessed as court costs in the case as provided in article 20 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(e) In making the assessment, the person authorized pursuant to this section or Kansas department for children and families is authorized to observe the child in the petitioner's home, verify financial information of the petitioner, shall clear the name of the petitioner with the child abuse and neglect registry through the Kansas department for children and families and, when appropriate, with a similar registry in another state or nation, shall determine whether the petitioner has been convicted of a felony for any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through ~~21-6421~~ 21-6422, and amendments thereto, or, within the last five years been convicted of a felony violation of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, and, when appropriate, any similar conviction in another jurisdiction, and to contact the agency or individuals consenting to the adoption and confirm and, if necessary, clarify any genetic and medical history filed with the petition. This information shall be made a part of the report to the court. The report to the court by any person authorized pursuant to this section to perform this assessment shall include the results of the investigation of the petitioner, the petitioner's home and the ability of the petitioner to care for the child.

(f) In the case of a nonresident who is filing a petition to adopt a child in Kansas, the assessment and report required by this section must be completed in the petitioner's state of residence by a person authorized in that state to conduct such assessments. Such report shall be filed with the court not less than 10 days before the hearing on the petition.

(g) The assessment and report required by this section shall comply with any applicable rules and regulations of the department of health and environment and shall have been completed not more than one year prior to the filing of the petition for adoption.

(h) The assessment and report required by this section may be waived by the court upon: (1) Review of a petition requesting such waiver by a relative of the child; or

(2) the court's own motion.

Sec. 19. K.S.A. 2014 Supp. 59-29a14 is hereby amended to read as follows: 59-

29a14. (a) The county or district attorney shall file a special allegation of sexual motivation within 14 days after arraignment in every criminal case other than sex offenses as defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6419 through ~~21-6421~~ 21-6422, and amendments thereto, when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding of sexual motivation by a reasonable and objective fact finder.

(b) In a criminal case wherein there has been a special allegation, the state shall prove beyond a reasonable doubt that the accused committed the crime with a sexual motivation. The court shall make a finding of fact of whether or not a sexual motivation was present at the time of the commission of the crime, or if a jury trial is had, the jury, if it finds the defendant guilty, also shall find a special verdict as to whether or not the defendant committed the crime with a sexual motivation. This finding shall not be

applied to sex offenses as defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6419 through ~~21-6421~~ 21-6422, and amendments thereto.

(c) The county or district attorney shall not withdraw the special allegation of sexual motivation without approval of the court through an order of dismissal of the special allegation. The court shall not dismiss this special allegation unless it finds that such an order is necessary to correct an error in the initial charging decision or unless there are evidentiary problems which make proving the special allegation doubtful.

Sec. 20. K.S.A. 2014 Supp. 60-455 is hereby amended to read as follows: 60-455.

(a) Subject to K.S.A. 60-447, and amendments thereto, evidence that a person committed a crime or civil wrong on a specified occasion, is inadmissible to prove such person's disposition to commit crime or civil wrong as the basis for an inference that the person committed another crime or civil wrong on another specified occasion.

(b) Subject to K.S.A. 60-445 and 60-448, and amendments thereto, such evidence is admissible when relevant to prove some other material fact including motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident.

(c) Subject to K.S.A. 60-445 and 60-448, and amendments thereto, in any criminal action other than a criminal action in which the defendant is accused of a sex offense under articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or ~~21-6418~~ 21-6419 through ~~21-6421~~ 21-6422, and amendments thereto, such evidence is admissible to show the modus operandi or general method used by a defendant to perpetrate similar but totally unrelated crimes when the method of committing the prior acts is so similar to that utilized in the current case before the court that it is reasonable to conclude the same individual committed both acts.

(d) Except as provided in K.S.A. 60-445, and amendments thereto, in a criminal action in which the defendant is accused of a sex offense under articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or ~~21-6418~~ 21-6419 through ~~21-6421~~ 21-6422, and amendments thereto, evidence of the defendant's commission of another act or offense of sexual misconduct is admissible, and may be considered for its bearing on any matter to which it is relevant and probative.

(e) In a criminal action in which the prosecution intends to offer evidence under this rule, the prosecuting attorney shall disclose the evidence to the defendant, including statements of witnesses, at least 10 days before the scheduled date of trial or at such later time as the court may allow for good cause.

(f) This rule shall not be construed to limit the admission or consideration of evidence under any other rule or to limit the admissibility of the evidence of other crimes or civil wrongs in a criminal action under a criminal statute other than in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or ~~21-6418~~ 21-6419 through ~~21-6421~~ 21-6422, and amendments thereto.

(g) As used in this section, an "act or offense of sexual misconduct" includes:

(1) Any conduct proscribed by article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6419 through ~~21-6421~~ 21-6422, and amendments thereto;

(2) the sexual gratification component of aggravated human trafficking, as described in ~~subsection (a)(1)(B) and (a)(2) of K.S.A. 21-3447(a)(1)(B) or (a)(2),~~ prior to its repeal, or ~~subsection (b)(1)(B) or (b)(2) of K.S.A. 2014 Supp. 21-5426(b)(1)(B) or (b)(2),~~ and amendments thereto;

(3) exposing another to a life threatening communicable disease, as described in ~~subsection (a)(1) of K.S.A. 21-3435(a)(1),~~ prior to its repeal, or ~~subsection (a)(1) of K.S.A. 2014 Supp. 21-5424(a)(1),~~ and amendments thereto;

(4) incest, as described in K.S.A. 21-3602, prior to its repeal, or ~~subsection (a) of K.S.A. 2014 Supp. 21-5604(a),~~ and amendments thereto;

(5) aggravated incest, as described in K.S.A. 21-3603, prior to its repeal, or ~~subsection (b) of K.S.A. 2014 Supp. 21-5604(b),~~ and amendments thereto;

(6) contact, without consent, between any part of the defendant's body or an object and the genitals, mouth or anus of the victim;

(7) contact, without consent, between the genitals, mouth or anus of the defendant and any part of the victim's body;

(8) deriving sexual pleasure or gratification from the infliction of death, bodily injury or physical pain to the victim;

(9) an attempt, solicitation or conspiracy to engage in conduct described in paragraphs (1) through (8); or

(10) any federal or other state conviction of an offense, or any violation of a city ordinance or county resolution, that would constitute an offense under article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6419 through ~~21-6421~~ 21-6422, and amendments thereto, the sexual gratification component of aggravated human trafficking, as described in ~~subsection (a)(1)(B) and (a)(2) of K.S.A. 21-3447(a)(1)(B) or (a)(2),~~ prior to its repeal, or ~~subsection (b)(1)(B) or (b)(2) of K.S.A. 2014 Supp. 21-5426(b)(1)(B) or (b)(2),~~ and amendments thereto; incest, as described in K.S.A. 21-3602, prior to its repeal, or ~~subsection (a) of K.S.A. 2014 Supp. 21-5604(a),~~ and amendments thereto; or aggravated incest, as described in K.S.A. 21-3603, prior to its repeal, or ~~subsection (b) of K.S.A. 2014 Supp. 21-5604(b),~~ and amendments thereto, or involved conduct described in paragraphs (6) through (9).

(h) If any provisions of this section or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provisions or application. To this end the provisions of this section are severable.

Sec. 21. K.S.A. 2014 Supp. 60-5001 is hereby amended to read as follows: 60-5001. (a) Any person who, while under the age of 18, was a victim of an offense described in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6419 through ~~21-6421~~ 21-6422, and amendments thereto, human trafficking, as defined in K.S.A. 21-3446, prior to its repeal, or K.S.A. 2014 Supp. 21-5426(a), and amendments thereto, aggravated human trafficking, as defined in K.S.A. 21-3447, prior

to its repeal, or K.S.A. 2014 Supp. 21-5426(b), and amendments thereto, incest as defined in K.S.A. 21-3602, prior to its repeal, or ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5604(a), and amendments thereto, or aggravated incest as defined in ~~subsection (a)(2)~~ of K.S.A. 21-3603(a)(2), prior to its repeal, or ~~subsection (b)(2)~~ of K.S.A. 2014 Supp. 21-5604(b)(2), and amendments thereto, where such offense resulted in a conviction and any portion of such offense was used in the production of child pornography, and who suffers personal or psychological injury as a result of the production, promotion, or possession of such child pornography, may bring an action in an appropriate state court against the producer, promoter or intentional possessor of such child pornography, regardless of whether the victim is now an adult.

(b) In any action brought under this section, a prevailing plaintiff shall recover the actual damages such person sustained and the cost of the suit, including reasonable attorney's fees. Any victim who is awarded damages under this section shall be deemed to have sustained damages of at least \$150,000.

(c) Notwithstanding any other provision of law, any action commenced under this section shall be filed within three years after the later of:

- (1) The conclusion of a related criminal case;
- (2) the notification to the victim by a member of a law enforcement agency of the creation, possession, or promotion of the child pornography; or
- (3) in the case of a victim younger than 18, within three years after the person reaches the age of 18.

(d) It is not a defense to a civil cause of action under this section that the respondent did not know the victim or commit the abuse depicted in the child pornography.

(e) At the victim's request, the attorney general may pursue cases on behalf of any Kansas victim under this section. All damages obtained shall go to the victim, and the attorney general may seek reasonable attorney's fees and costs.

(f) Any action brought under this section shall be subject to the provisions of K.S.A. 74-7312, and amendments thereto.

(g) As used in this section, "child pornography" includes, but is not limited to, any visual depiction, as described in ~~subsection (a)~~ of K.S.A. 21-3516(a), prior to its repeal, or ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5510(a), and amendments thereto, and any performance, as defined in ~~subsection (b)~~ of K.S.A. 21-3516(b), prior to its repeal, or ~~subsection (c)~~ of K.S.A. 2014 Supp. 21-5510(c), and amendments thereto.

(h) This section shall not apply to acts done in the performance of duty by any: (1) Law enforcement officer of the state of Kansas or any political subdivision thereof; (2) forensic examiner; (3) any prosecuting attorney, as defined in K.S.A. 22-2202, and amendments thereto; or (4) any bona fide child advocacy organization, including, but not limited to, the national center for missing and exploited children.

Sec. 22. K.S.A. 2014 Supp. 65-5117 is hereby amended to read as follows: 65-5117. (a) (1) No person shall knowingly operate a home health agency if, for the home health agency, there works any person who has been convicted of or has been adjudicated a juvenile offender because of having committed an act which if done by an adult would constitute the commission of capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 2014 Supp. 21-5401, and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2014 Supp. 21-5402, and amendments thereto, second degree murder, pursuant to ~~subsection (a)~~ of K.S.A.

21-3402(a), prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5403(a), and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 2014 Supp. 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 2014 Supp. 21-5407, and amendments thereto, mistreatment of a dependent adult or mistreatment of an elder person, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 2014 Supp. 21-5417, and amendments thereto, human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal, or K.S.A. 2014 Supp. 21-5426(a), and amendments thereto, aggravated human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 2014 Supp. 21-5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to its repeal, or K.S.A. 2014 Supp. 21-5503, and amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5506(a), and amendments thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2014 Supp. 21-5506(b), and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2014 Supp. 21-5504(b), and amendments thereto, indecent solicitation of a child, pursuant to K.S.A. 21-3510, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5508(a), and amendments thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-3511, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2014 Supp. 21-5508(b), and amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 2014 Supp. 21-5510, and amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5505(a), and amendments thereto, ~~or~~ aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2014 Supp. 21-5505(b), and amendments thereto, commercial sexual exploitation of a child, pursuant to K.S.A. 2014 Supp. 21-6422, and amendments thereto, an attempt to commit any of the crimes listed in this subsection (a) (1), pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2014 Supp. 21-5301, and amendments thereto, a conspiracy to commit any of the crimes listed in this subsection (a)(1), pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2014 Supp. 21-5302, and amendments thereto, or criminal solicitation of any of the crimes listed in this subsection (a)(1), pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2014 Supp. 21-5303, and amendments thereto, or similar statutes of other states or the federal government. The provisions of subsection (a)(2)(C) shall not apply to any person who is employed by a home health agency on July 1, 2010, and while continuously employed by the same home health agency.

(2) A person operating a home health agency may employ an applicant who has been convicted of any of the following if five or more years have elapsed since the applicant satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; or if five or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer: A felony conviction for a crime which is described in: (A) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto, except those crimes listed in subsection (a)(1); (B)

articles 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6419 through 21-6421, and amendments thereto, except those crimes listed in subsection (a)(1) and K.S.A. 21-3605, prior to its repeal, or K.S.A. 2014 Supp. 21-5606, and amendments thereto; (C) K.S.A. 21-3701, prior to its repeal, or K.S.A. 2014 Supp. 21-5801, and amendments thereto; (D) an attempt to commit any of the crimes listed in this subsection (a)(2) pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2014 Supp. 21-5301, and amendments thereto; (E) a conspiracy to commit any of the crimes listed in subsection (a)(2) pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2014 Supp. 21-5302, and amendments thereto; (F) criminal solicitation of any of the crimes listed in subsection (a)(2) pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2014 Supp. 21-5303, and amendments thereto; or (G) similar statutes of other states or the federal government.

(b) No person shall operate a home health agency if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto. The provisions of this subsection shall not apply to a minor found to be in need of a guardian or conservator for reasons other than impairment.

(c) The secretary of health and environment shall have access to any criminal history record information in the possession of the Kansas bureau of investigation regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2014 Supp. 21-5417, ~~subsection (a) of 21-5505(a)~~ and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2014 Supp. 21-5417, ~~subsection (a) of 21-5505(a)~~ and 21-5801, and amendments thereto, concerning persons working for a home health agency. The secretary shall have access to these records for the purpose of determining whether or not the home health agency meets the requirements of this section. The Kansas bureau of investigation may charge to the department of health and environment a reasonable fee for providing criminal history record information under this subsection.

(d) For the purpose of complying with this section, the operator of a home health agency shall request from the department of health and environment information regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2014 Supp. 21-5417, ~~subsection (a) of 21-5505(a)~~ and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2014 Supp. 21-5417, ~~subsection (a) of 21-5505(a)~~ and 21-5801, and amendments thereto, and which relates to a person who works for the home health agency or is being considered for employment by the home health agency, for the purpose of determining whether such person is subject to the provisions of this section. For the purpose of complying with this section, information relating to convictions and adjudications by the federal government or to convictions and adjudications in states other than Kansas shall not be required until such time as the secretary of health and environment determines the search for such information could reasonably be performed and the information obtained within a two-week period. For

the purpose of complying with this section, the operator of a home health agency shall receive from any employment agency which provides employees to work for the home health agency written certification that such employees are not prohibited from working for the home health agency under this section. For the purpose of complying with this section, a person who operates a home health agency may hire an applicant for employment on a conditional basis pending the results from the department of health and environment of a request for information under this subsection. No home health agency, the operator or employees of a home health agency or an employment agency, or the operator or employees of an employment agency, which provides employees to work for the home health agency shall be liable for civil damages resulting from any decision to employ, to refuse to employ or to discharge from employment any person based on such home health agency's compliance with the provisions of this section if such home health agency or employment agency acts in good faith to comply with this section.

(e) The secretary of health and environment shall charge each person requesting information under this section a fee equal to cost, not to exceed \$10, for each name about which an information request has been submitted under this section.

(f) (1) The secretary of health and environment shall provide each operator requesting information under this section with the criminal history record information concerning any criminal history information and convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2014 Supp. 21-5417, ~~subsection (a) of 21-5505(a)~~ and 21-5801, and amendments thereto, in writing and within three working days of receipt of such information from the Kansas bureau of investigation. The criminal history record information shall be provided regardless of whether the information discloses that the subject of the request has been convicted of an offense enumerated in subsection (a).

(2) When an offense enumerated in subsection (a) exists in the criminal history record information, and when further confirmation regarding criminal history record information is required from the appropriate court of jurisdiction or Kansas department of corrections, the secretary shall notify each operator that requests information under this section in writing and within three working days of receipt from the Kansas bureau of investigation that further confirmation is required. The secretary shall provide to the operator requesting information under this section information in writing and within three working days of receipt of such information from the appropriate court of jurisdiction or Kansas department of corrections regarding confirmation regarding the criminal history record information.

(3) Whenever the criminal history record information reveals that the subject of the request has no criminal history on record, the secretary shall provide notice to each operator requesting information under this section, in writing and within three working days after receipt of such information from the Kansas bureau of investigation.

(4) The secretary of health and environment shall not provide each operator requesting information under this section with the juvenile criminal history record information which relates to a person subject to a background check as is provided by K.S.A. 2014 Supp. 38-2326, and amendments thereto, except for adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2014 Supp. 21-5801, and amendments thereto. The secretary shall notify the operator that requested the information, in writing and within three working days of

receipt of such information from the Kansas bureau of investigation, whether juvenile criminal history record information received pursuant to this section reveals that the operator would or would not be prohibited by this section from employing the subject of the request for information and whether such information contains adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2014 Supp. 21-5801, and amendments thereto.

(5) An operator who receives criminal history record information under this subsection (f) shall keep such information confidential, except that the operator may disclose such information to the person who is the subject of the request for information. A violation of this paragraph (5) shall be an unclassified misdemeanor punishable by a fine of \$100.

(g) No person who works for a home health agency and who is currently licensed or registered by an agency of this state to provide professional services in this state and who provides such services as part of the work which such person performs for the home health agency shall be subject to the provisions of this section.

(h) A person who volunteers to assist a home health agency shall not be subject to the provisions of this section because of such volunteer activity.

(i) An operator may request from the department of health and environment criminal history information on persons employed under subsections (g) and (h).

(j) No person who has been employed by the same home health agency since July 1, 1992, shall be subject to the requirements of this section while employed by such home health agency.

(k) The operator of a home health agency shall not be required under this section to conduct a background check on an applicant for employment with the home health agency if the applicant has been the subject of a background check under this act within one year prior to the application for employment with the home health agency. The operator of a home health agency where the applicant was the subject of such background check may release a copy of such background check to the operator of a home health agency where the applicant is currently applying.

(l) For purposes of this section, the Kansas bureau of investigation shall only report felony convictions, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2014 Supp. 21-5417, ~~subsection (a) of 21-5505(a)~~ and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2014 Supp. 21-5417, ~~subsection (a) of 21-5505(a)~~ and 21-5801, and amendments thereto, to the secretary of health and environment when a background check is requested.

(m) This section shall be part of and supplemental to the provisions of article 51 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 23. K.S.A. 2014 Supp. 72-1397 is hereby amended to read as follows: 72-1397. (a) The state board of education shall not knowingly issue a license to or renew the license of any person who has been convicted of:

- (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2014 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. 2014 Supp. 21-5506(a), 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. 2014 Supp. 21-5506(b), and amendments thereto;
- (4) criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3)~~ of K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or ~~subsection (a)(3) or (a)(4)~~ of K.S.A. 2014 Supp. 21-5504(a)(3) or (a)(4), 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. 2014 Supp. 21-5504(b), 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. 2014 Supp. 21-5508(a), 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. 2014 Supp. 21-5508(b), 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. 2014 Supp. 21-5510, and amendments thereto;
- (9) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2014 Supp. 21-5604(b), and amendments thereto;
- (10) aggravated endangering a child, as defined in K.S.A. 21-3608a, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2014 Supp. 21-5601(b), and amendments thereto;
- (11) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 2014 Supp. 21-5602, and amendments thereto;
- (12) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2014 Supp. 21-5401, and amendments thereto;
- (13) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2014 Supp. 21-5402, and amendments thereto;
- (14) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2014 Supp. 21-5403, and amendments thereto;
- (15) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2014 Supp. 21-5404, and amendments thereto;
- (16) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2014 Supp. 21-5405, and amendments thereto;
- (17) involuntary manslaughter while driving under the influence of alcohol or drugs, as defined in K.S.A. 21-3442, prior to its repeal;
- (18) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5505(a), and amendments thereto, when, at the time the crime was committed, the victim was less than 18 years of age or a student of the person committing such crime;
- (19) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2014 Supp. 21-5505(b), and amendments thereto;
- (20) commercial sexual exploitation of a child, as defined in K.S.A. 2014 Supp. 21-6422, and amendments thereto;

(21) human trafficking, as defined in K.S.A. 21-3446, prior to its repeal, or K.S.A. 2014 Supp. 21-5426(a), and amendments thereto;

(22) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 2014 Supp. 21-5426(b), and amendments thereto;

~~(20)-(23)~~ attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2014 Supp. 21-5301, and amendments thereto, to commit any act specified in this subsection;

~~(21)-(24)~~ conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 2014 Supp. 21-5302, and amendments thereto, to commit any act specified in this subsection;

~~(22)-(25)~~ an act in another state or by the federal government that is comparable to any act described in this subsection; or

~~(23)-(26)~~ an offense in effect at any time prior to the effective date of this act that is comparable to an offense as provided in this subsection.

(b) Except as provided in subsection (c), the state board of education shall not knowingly issue a license to or renew the license of any person who has been convicted of, or has entered into a criminal diversion agreement after having been charged with:

(1) A felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;

(2) a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto, other than an act specified in subsection (a), or a battery, as described in K.S.A. 21-3412, prior to its repeal, or ~~subsection (a) of K.S.A. 2014 Supp. 21-5413(a)~~, and amendments thereto, or domestic battery, as described in K.S.A. 21-3412a, prior to its repeal, or K.S.A. 2014 Supp. 21-5414, and amendments thereto, if the victim is a minor or student;

(3) a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6419 through 21-6421, and amendments thereto, other than an act specified in subsection (a);

(4) any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, other than an act specified in subsection (a);

(5) a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 58 of chapter 21 of the Kansas Statutes Annotated, or ~~subsection (a)(6) of K.S.A. 2014 Supp. 21-6412(a)(6)~~, and amendments thereto;

(6) promoting obscenity, as described in K.S.A. 21-4301, prior to its repeal, or ~~subsection (a) of K.S.A. 2014 Supp. 21-6401(a)~~, and amendments thereto, promoting obscenity to minors, as described in K.S.A. 21-4301a, prior to its repeal, or ~~subsection (b) of K.S.A. 2014 Supp. 21-6401(b)~~, and amendments thereto, or promoting to minors obscenity harmful to minors, as described in K.S.A. 21-4301c, prior to its repeal, or K.S.A. 2014 Supp. 21-6402, and amendments thereto;

(7) endangering a child, as defined in K.S.A. 21-3608, prior to its repeal, or ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5601(a), and amendments thereto;

(8) driving under the influence of alcohol or drugs in violation of K.S.A. 8-1567 or 8-2,144, and amendments thereto, when the violation is punishable as a felony;

(9) attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2014 Supp. 21-5301, and amendments thereto, to commit any act specified in this subsection;

(10) conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 2014 Supp. 21-5302, and amendments thereto, to commit any act specified in this subsection; or

(11) an act committed in violation of a federal law or in violation of another state's law that is comparable to any act described in this subsection.

(c) The state board of education may issue a license to or renew the license of a person who has been convicted of committing an offense or act described in subsection (b) or who has entered into a criminal diversion agreement after having been charged with an offense or act described in subsection (b) if the state board determines, following a hearing, that the person has been rehabilitated for a period of at least five years from the date of conviction of the offense or commission of the act or, in the case of a person who has entered into a criminal diversion agreement, that the person has satisfied the terms and conditions of the agreement. The state board of education may consider factors including, but not limited to, the following in determining whether to grant a license:

- (1) The nature and seriousness of the offense or act;
- (2) the conduct of the person subsequent to commission of the offense or act;
- (3) the time elapsed since the commission of the offense or act;
- (4) the age of the person at the time of the offense or act;
- (5) whether the offense or act was an isolated or recurring incident; and
- (6) discharge from probation, pardon or expungement.

(d) Before any license is denied by the state board of education for any of the offenses or acts specified in subsections (a) and (b), the person shall be given notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(e) The county or district attorney shall file a report with the state board of education indicating the name, address and social security number of any person who has been determined to have committed any offense or act specified in subsection (a) or (b) or to have entered into a criminal diversion agreement after having been charged with any offense or act specified in subsection (b). Such report shall be filed within 30 days of the date of the determination that the person has committed any such act or entered into any such diversion agreement.

(f) The state board of education shall not be liable for civil damages to any person refused issuance or renewal of a license by reason of the state board's compliance, in good faith, with the provisions of this section.

Sec. 24. K.S.A. 2014 Supp. 74-7305 is hereby amended to read as follows: 74-7305. (a) An application for compensation shall be made in the manner and form prescribed by the board.

(b) Compensation may not be awarded unless an application has been filed with the board within two years of the reporting of the incident to law enforcement officials if the victim was less than 16 years of age and the injury or death is the result of any of the following crimes: (1) Indecent liberties with a child as defined in K.S.A. 21-3503, prior to its repeal, or ~~subsection (a) of K.S.A. 2014 Supp. 21-5506(a)~~, and amendments thereto; (2) aggravated indecent liberties with a child as defined in K.S.A. 21-3504, prior to its repeal, or ~~subsection (b) of K.S.A. 2014 Supp. 21-5506(b)~~, and amendments thereto; (3) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or ~~subsection (b) of K.S.A. 2014 Supp. 21-5504(b)~~, and amendments thereto; (4) enticement of a child as defined in K.S.A. 21-3509 prior to its repeal; (5) indecent solicitation of a child as defined in K.S.A. 21-3510, prior to its repeal, or ~~subsection (a) of K.S.A. 2014 Supp. 21-5508(a)~~, and amendments thereto; (6) 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. 2014 Supp. 21-5508(b)~~, 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. 2014 Supp. 21-5510, and amendments thereto; or (8) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or ~~subsection (b) of K.S.A. 2014 Supp. 21-5604(b)~~, and amendments thereto; (9) human trafficking as defined in K.S.A. 21-3446, prior to its repeal, or K.S.A. 2014 Supp. 21-5426(a), and amendments thereto; (10) aggravated human trafficking as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 2014 Supp. 21-5426(b), and amendments thereto; or (11) commercial sexual exploitation of a child as defined in K.S.A. 2014 Supp. 21-6422, and amendments thereto. Compensation for mental health counseling may be awarded, if a claim is filed within two years of testimony, to a claimant who is, or will be, required to testify in a sexually violent predator commitment, pursuant to article 29a of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, of an offender who victimized the claimant or the victim on whose behalf the claim is made. For all other incidents of criminally injurious conduct, compensation may not be awarded unless the claim has been filed with the board within two years after the injury or death upon which the claim is based. Compensation may not be awarded to a claimant who was the offender or an accomplice of the offender and may not be awarded to another person if the award would unjustly benefit the offender or accomplice.

(c) Compensation otherwise payable to a claimant shall be reduced or denied, to the extent, if any that the:

(1) Economic loss upon which the claimant's claim is based is recouped from other persons, including collateral sources;

(2) board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom the claimant claims; or

(3) board deems reasonable, because the victim was likely engaging in, or attempting to engage in, unlawful activity at the time of the crime upon which the claim for compensation is based. This subsection shall not be construed to reduce or deny compensation to a victim of domestic abuse or sexual assault.

(d) Compensation may be awarded only if the board finds that unless the claimant is awarded compensation the claimant will suffer financial stress as the result of economic loss otherwise reparable. A claimant suffers financial stress only if the claimant cannot maintain the claimant's customary level of health, safety and education for self and dependents without undue financial hardship. In making its determination

of financial stress, the board shall consider all relevant factors, including:

- (1) The number of claimant's dependents;
- (2) the usual living expenses of the claimant and the claimant's family;
- (3) the special needs of the claimant and the claimant's dependents;
- (4) the claimant's income and potential earning capacity; and
- (5) the claimant's resources.

(e) Compensation may not be awarded unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within 72 hours after its occurrence or the board finds there was good cause for the failure to report within that time.

(f) The board, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw or reduce an award of compensation.

(g) Except in K.S.A. 21-3602 or 21-3603, prior to their repeal, or K.S.A. 2014 Supp. 21-5604, and amendments thereto, or cases of sex offenses established in article 35 of chapter 21, of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, ~~or and amendments thereto~~, K.S.A. 2014 Supp. 21-6419 through ~~21-6421~~ 21-6422, and amendments thereto, or human trafficking or aggravated human trafficking, as defined in K.S.A. 21-3446 or 21-3447, prior to their repeal, or K.S.A. 2014 Supp. 21-5426, and amendments thereto, compensation may not be awarded if the economic loss is less than \$100.

(h) Compensation for work loss, replacement services loss, dependent's economic loss and dependent's replacement service loss may not exceed \$400 per week or actual loss, whichever is less.

(i) Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed \$25,000 in the aggregate.

Sec. 25. K.S.A. 2014 Supp. 75-452 is hereby amended to read as follows: 75-452. The following words and phrases when used in K.S.A. 2014 Supp. 75-451 to 75-458, inclusive, and amendments thereto, shall have the meanings respectively ascribed to them herein, unless the context clearly requires otherwise:

- (a) "Abuse" means:
  - (1) Causing or attempting to cause physical harm;
  - (2) placing another person in fear of imminent physical harm;
  - (3) causing another person to engage involuntarily in sexual relations by force, threats or duress, or threatening to do so;
  - (4) engaging in mental abuse, which includes threats, intimidation and acts designed to induce terror;
  - (5) depriving another person of necessary health care, housing or food; or
  - (6) unreasonably and forcibly restraining the physical movement of another.
- (b) "Confidential address" means a residential street address, school street address or work street address of an individual, as specified on the individual's application to be a program participant under K.S.A. 2014 Supp. 75-451 to 75-458, inclusive, and amendments thereto.
- (c) "Confidential mailing address" means an address that is recognized for delivery by the United States postal service.
- (d) "Domestic violence" means abuse committed against a victim or the victim's

spouse or dependent child by:

- (1) A current or former spouse of the victim;
  - (2) a person with whom the victim shares parentage of a child in common;
  - (3) a person who is cohabitating with, or has cohabitated with, the victim;
  - (4) a person who is related by blood or marriage; or
  - (5) a person with whom the victim has or had a dating or engagement relationship.
- (e) "Program participant" means a person certified as a program participant under K.S.A. 2014 Supp. 75-453, and amendments thereto.

(f) "Enrolling agent" means state and local agencies, law enforcement offices, nonprofit agencies and any others designated by the secretary of state that provide counseling and shelter services to victims of domestic violence, sexual assault, human trafficking or stalking.

(g) "Sexual assault" means an act which if committed in this state would constitute any crime defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6419 through ~~21-6421~~ 21-6422, and amendments thereto.

(h) "Stalking" means an act which if committed in this state would constitute "stalking" as defined by K.S.A. 60-31a01, and amendments thereto.

(i) "Human trafficking" means an act which if committed in this state would constitute the crime of human trafficking as defined by K.S.A. 21-3446, prior to its repeal, or ~~subsection (a) of K.S.A. 2014 Supp. 21-5426(a)~~, and amendments thereto.

Sec. 26. K.S.A. 2014 Supp. 76-11a13 is hereby amended to read as follows: 76-11a13. (a) (1) Subject to the provisions of subsection (b), the provisions of K.S.A. 76-11a06 through 76-11a11, and amendments thereto, apply only to: (A) Teachers who have completed not less than three consecutive years of employment, and been offered a contract for a fourth year of employment, at the state school in which the teacher is currently employed; and (B) teachers who have completed not less than two consecutive years of employment, and been offered a contract for a third year of employment, at the state school in which the teacher is currently employed if at any time prior to the current employment the teacher has completed the years of employment requirement of ~~subpart subsection (a)(1)(A)~~ at the other state school.

(2) The state board may waive, at any time, the years of employment requirements of ~~provision subsection (a)(1)~~ for any teachers employed at a state school.

(3) The provisions of this subsection are subject to the provisions of K.S.A. 76-11a14, and amendments thereto.

(b) The provisions of K.S.A. 76-11a06 through 76-11a11, and amendments thereto, do not apply to any teacher whose certificate has been nonrenewed or revoked by the state board for the reason that the teacher: (1) Has been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; (2) has been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto, or an act described in K.S.A. 21-3412, prior to its repeal, or ~~subsection (a) of K.S.A. 2014 Supp. 21-5413(a)~~, and amendments thereto, if the victim is a minor or student; (3) has been convicted of a felony described in any

section of article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6419 through ~~21-6421~~ 21-6422, and amendments thereto, or has been convicted of an act described in K.S.A. 21-3517, prior to its repeal, or ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5505(a), and amendments thereto, if the victim is a minor or student; (4) has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto; (5) has been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 58 of chapter 21 of the Kansas Statutes Annotated, or ~~subsection (a)(6)~~ of K.S.A. 2014 Supp. 21-6412(a)(6), and amendments thereto; (6) has been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2014 Supp. 21-5301, and amendments thereto, to commit any act specified in this subsection; (7) has been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301c, prior to their repeal, or K.S.A. 2014 Supp. 21-6401 or 21-6402, and amendments thereto; (8) has been convicted in another state or by the federal government of an act similar to any act described in this subsection; or (9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.

Sec. 27. K.S.A. 2013 Supp. 38-2310, as amended by section 2 of chapter 131 of the 2014 Session Laws of Kansas, and K.S.A. 2014 Supp. 21-5501, 21-6328, 22-3424, 22-3436, 22-3701, 22-3727, 22-3727a, 22-4614, 23-2225, 23-3222, 38-2202, 38-2271, 38-2309, 38-2310, 39-970, 44-706, 59-2132, 59-29a14, 60-455, 60-5001, 65-5117, 72-1397, 74-7305, 75-452 and 76-11a13 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "human trafficking and related crimes; relating to commercial sexual exploitation of a child; civil action for victims; restitution; amending K.S.A. 2014 Supp. 21-5501, 21-6328, 22-3424, 22-3436, 22-3701, 22-3727, 22-3727a, 22-4614, 23-2225, 23-3222, 38-2202, 38-2271, 38-2309, 38-2310, 39-970, 44-706, 59-2132, 59-29a14, 60-455, 60-5001, 65-5117, 72-1397, 74-7305, 75-452 and 76-11a13 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 38-2310, as amended by section 2 of chapter 131 of the 2014 Session Laws of Kansas";

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

JANICE PAULS

CHARLES MACHEERS

JIM WARD

*Conferees on part of House*

JEFF KING

GREG SMITH

*Conferees on part of Senate*

Senator King moved the Senate adopt the Conference Committee Report on **SB 113**.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 1; Absent or Not Voting 2.

Yeas: Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau,

Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wolf.

Present and Passing: Francisco.

Absent or Not Voting: Arpke, Wilborn.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2331** submits the following report:

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

On page 3, by striking all in lines 11 through 43;

By striking all on pages 4 through 17;

On page 18, by striking all in lines 1 through 6; following line 6, by inserting:

"Section 1. K.S.A. 2014 Supp. 12-16,124 is hereby amended to read as follows: 12-16,124. (a) No city or county shall adopt or enforce any ordinance, resolution or regulation, and no agent of any city or county shall take any administrative action, governing the requirement of fees, licenses or permits for, the commerce in or the sale, purchase, transfer, ownership, storage, carrying-~~or~~, transporting or taxation of firearms or ammunition, or any component or combination thereof.

~~(b) No city or county shall adopt or enforce any ordinance, resolution or regulation relating to the sale of a firearm by an individual, who holds a federal firearms license, that is more restrictive than any ordinance, resolution or regulation relating to the sale of any other commercial good.~~

~~(e)-(b)~~ Any ordinance, resolution or regulation prohibited by either subsection (a) or ~~(b)~~ that was adopted prior to July 1, ~~2014~~ 2015, shall be null and void.

~~(d)-(c)~~ Nothing in this section shall:

(1) Prohibit a city or county from adopting and enforcing any ordinance, resolution or regulation relating to the personnel policies of such city or county and the carrying of firearms by employees of such city or county, except that any such ordinance, resolution or regulation shall comply with the provisions of K.S.A. 2014 Supp. 75-7c01 et seq., and amendments thereto;

(2) prohibit a city or county from adopting any ordinance, resolution or regulation pursuant to K.S.A. 2014 Supp. 75-7c20, and amendments thereto;~~or~~

(3) prohibit a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, from acting within the scope of such officer's duties;or

(4) prohibit a city or county from levying and collecting any retailers' sales tax on the sale of firearms, ammunition or any component or combination thereof as authorized by K.S.A. 12-189, and amendments thereto.

Sec. 2. K.S.A. 2014 Supp. 75-7c04, as amended by section 9 of 2015 Senate Bill No. 45, is hereby amended to read as follows: 75-7c04. (a) The attorney general shall not issue a license pursuant to this act if the applicant:

(1) Is not a resident of the county where application for licensure is made or is not a resident of the state;

(2) is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or K.S.A. 2014 Supp. 21-6301(a)(10) through (a)(13) or K.S.A. 2014 Supp. 21-6304(a)(1) through (a)(3), and amendments thereto; or

~~(3) has been convicted of or was adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of any of the offenses described in K.S.A. 2014 Supp. 21-6304(a)(1) and (a)(3), and amendments thereto; or~~

~~(4) is less than 21 years of age.~~

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

(2) The cost of the handgun safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved handgun safety and training course:

(A) Evidence of completion of the course, in the form provided by rules and regulations adopted by the attorney general;

(B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant; or

(C) a determination by the attorney general pursuant to subsection (c).

(c) The attorney general may:

(1) Create a list of concealed carry handgun licenses or permits issued by other jurisdictions which the attorney general finds have training requirements that are equal to or greater than those of this state; and

(2) review each application received pursuant to K.S.A. 2014 Supp. 75-7c05, and amendments thereto, to determine if the applicant's previous training qualifications were equal to or greater than those of this state.

(d) For the purposes of this section:

(1) "Equal to or greater than" means the applicant's prior training meets or exceeds the training established in this section by having required, at a minimum, the applicant

to: (A) Receive instruction on the laws of self-defense; and (B) demonstrate training and competency in the safe handling, storage and actual firing of handguns.

(2) "Jurisdiction" means another state or the District of Columbia.

(3) "License or permit" means a concealed carry handgun license or permit from another jurisdiction which has not expired and, except for any residency requirement of the issuing jurisdiction, is currently in good standing.

Sec. 3. K.S.A. 2014 Supp. 12-16,124 and 75-7c04, as amended by section 9 of 2015 Senate Bill No. 45, are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 1 through 7 and inserting "AN ACT concerning firearms; relating to possession of firearms; amending K.S.A. 2014 Supp 12-16,124 and 75-7c04, as amended by section 9 of 2015 Senate Bill No. 45, and repealing the existing sections.";

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

RALPH OSTMEYER

JACOB LATURNER

*Conferees on part of Senate*

STEVEN BRUNK

TRAVIS COUTURE-LOVELADY

*Conferees on part of House*

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **HB 2331**.

On roll call, the vote was: Yeas 35; Nays 3; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Faust-Goudeau, Francisco, Pettey.

Absent or Not Voting: Arpke, Wilborn.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Madam President: This legislation preempts the ability of cities or counties to enforce any ordinance, resolution or regulation relating to the sale of firearms by an individual in their home. These local units of government have a responsibility to their citizens to use the planning and zoning process to regulate home sales. Is a gun and ammunition home sale business safer for a neighborhood than a home hair salon? This legislation removes all local control. I vote "No" on **HB 2331**. —PAT PETTEY

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub HB 2353** 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 17, by striking all in lines 11 through 27; following line 27, by inserting the

following:

"Sec. 11. From and after July 1, 2015, K.S.A. 2014 Supp. 76-715b is hereby amended to read as follows: 76-715b. (a) As used in this section:

(1) "State board" means the state board of regents.  
 (2) "State educational institution" has the meaning ascribed thereto in K.S.A. 76-711, and amendments thereto.

(3) "Leave time" means vacation leave and discretionary day leave.

(b) The state board may adopt a policy which authorizes state educational institutions to provide leave time to the classified employees and university support staff of any such institution in an amount not to exceed the amount of leave time provided to unclassified employees of such institution.

(c) Subject to the policy of the state board adopted pursuant to this section, each state educational institution may provide leave time to classified employees and university support staff of such institution. The amount of leave time may vary from the amount of leave time provided to classified or unclassified employees of state agencies that are not state educational institutions.

(d) The state board shall adopt any rules and regulations necessary to implement the provisions of this act.";

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

TY MASTERSON

JIM DENNING

LAURA KELLY

*Conferees on part of Senate*

RONALD RYCKMAN

SHARON SCHWARTZ

JERRY HENRY

*Conferees on part of House*

Senator Masterson moved the Senate adopt the Conference Committee Report on **S Sub HB 2353**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Arpke, Wilborn.

The Conference Committee Report was 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 Knox in the chair.

On motion of Senator Knox the following report was adopted:

Senator Donovan offered the following amendment on **S Sub HB 2109**, As Further Amended by Senate Committee of the Whole, on page 96, in line 8, after "income" by

inserting "not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B) in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4";

On page 98, in line 32, by striking "5.95%" and inserting "6.5%";

On page 103, in line 34, by striking "and"; in line 38, after "section" by inserting "; and

(x) commencing January 1, 2016, and thereafter, the gross receipts from the sale of food and food ingredients shall be taxed at 6.0%";

On page 105, in line 15, after "(5)" by inserting "(A)"; also in line 15, by striking "14.565%" and inserting "16.295%"; in line 17, by striking "5.95%" and inserting "6.5%"; following line 19, by inserting:

"(B) On January 1, 2016, the state treasurer shall credit 16.295% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rates of 6.5% and 6.0%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund."; in line 21, by striking "14.610%" and inserting "16.314%"; in line 22, by striking "rate" and inserting "rates"; also in line 22, by striking "5.95%" and inserting "6.5% and 6.0%";

On page 106, in line 36, by striking "5.95%" and inserting "6.50%, except that commencing January 1, 2016, such rate shall be 6.0% upon food and food ingredients as defined by K.S.A. 79-3602, and amendments thereto";

On page 108, in line 17, after "(5)" by inserting "(A)"; also in line 17, by striking "14.565%" and inserting "16.295%"; in line 19, by striking "5.95%" and inserting "6.5%"; following line 21, by inserting:

"(B) On January 1, 2016, the state treasurer shall credit 16.295% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rates of 6.5% and 6.0%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund."; in line 23, by striking "14.610%" and inserting "16.314%"; in line 24, by striking "rate" and inserting "rates"; also in line 24, by striking "5.95%" and inserting "6.5% and 6.0%";

On page 109, following line 31, by inserting:

"New Sec. 11. A tax is hereby imposed upon the privilege of selling or dealing in electronic cigarettes in this state by any person engaged in business as a distributor thereof, at the rate of \$.20 per milliliter of consumable material and a proportionate tax at the like rate on all fractional parts thereof. For electronic cigarettes in the possession of retail dealers for which tax has not been paid, tax shall be imposed under this subsection at the earliest time the retail dealer: (a) Brings or causes to be brought into this state from without the state electronic cigarettes for sale; (b) makes, manufactures or fabricates electronic cigarettes in this state for sale in this state; or (c) sells electronic cigarettes to consumers within this state.

Sec. 12. K.S.A. 2014 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(a), 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 \$60,000	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000	\$2,925 plus 6.45% of excess over \$60,000

(B) For tax year 2013:

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 year 2014:

If the taxable income is:	The tax is:
Not over \$30,000	2.7% of Kansas taxable income
Over \$30,000	\$810 plus 4.8% of excess over \$30,000

(D) For tax year ~~years~~ 2015 through 2017:

If the taxable income is:	The tax is:
Not over \$30,000	2.7% of Kansas taxable income
Over \$30,000	\$810 plus 4.6% of excess over \$30,000

(E) For tax year ~~2016~~ 2018:

If the taxable income is:	The tax is:
Not over \$30,000	<del>2.4%</del> <u>2.3%</u> of Kansas taxable income
Over \$30,000	<del>\$720</del> <u>\$690</u> plus <del>4.6%</del> <u>4.1%</u> of excess over \$30,000

(F) For tax year ~~2017~~ 2019:

If the taxable income is:	The tax is:
Not over \$30,000	<del>2.3%</del> <u>2.0%</u> of Kansas taxable income
Over \$30,000	<del>\$690</del> <u>\$600</u> plus <del>4.6%</del> <u>4.1%</u> of excess over \$30,000

(G) For tax year ~~2018~~ 2020, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$30,000	<del>2.3%</del> <u>1.9%</u> of Kansas taxable income
Over \$30,000	<del>\$690</del> <u>\$570</u> plus <del>3.9%</del> <u>3.8%</u> 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:

If the taxable income is:

Not over \$15,000

Over \$15,000

The tax is:

3.0% of Kansas taxable income

\$450 plus 4.9% of excess over  
\$15,000

(C) For tax year 2014:

If the taxable income is:

Not over \$15,000

Over \$15,000

The tax is:

2.7% of Kansas taxable income

\$405 plus 4.8% of excess over  
\$15,000

(D) For tax ~~year~~ years 2015 through 2017:

If the taxable income is:

Not over \$15,000

Over \$15,000

The tax is:

2.7% of Kansas taxable income

\$405 plus 4.6% of excess over  
\$15,000

(E) For tax year ~~2016~~ 2018:

If the taxable income is:

Not over \$15,000

Over \$15,000

The tax is:

~~2.4%~~ 2.3% of Kansas taxable income

~~\$360~~ \$345 plus ~~4.6%~~ 4.1% of excess over  
\$15,000

(F) For tax year ~~2017~~ 2019:

If the taxable income is:

Not over \$15,000

Over \$15,000

The tax is:

~~2.3%~~ 2.0% of Kansas taxable income

~~\$345~~ \$300 plus ~~4.6%~~ 4.1% of excess over  
\$15,000

(G) For tax year ~~2018~~ 2020, and all tax years thereafter:

If the taxable income is:

Not over \$15,000

Over \$15,000

The tax is:

~~2.3%~~ 1.9% of Kansas taxable income

~~\$345~~ \$285 plus ~~3.9%~~ 3.8% of excess over  
\$15,000

(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)(2) hereof.

(e) Tax rates provided in this section shall be adjusted pursuant to the provisions of K.S.A. 2014 Supp. 79-32,269, and amendments thereto.

(f) Notwithstanding the provisions of subsections (a) and (b), for tax year 2016, and all tax years thereafter, married individuals filing joint returns with taxable income of \$12,500 or less, and all other individuals with taxable income of \$5,000 or less, shall have a tax liability of zero.

Sec. 13. K.S.A. 2014 Supp. 79-32,120 is hereby amended to read as follows: 79-32,120. (a) (1) 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.

(2) For the tax year commencing on January 1, 2013, 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, 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 years~~ commencing on ~~and after~~ January 1, 2015, the Kansas itemized deduction of an individual means ~~60% of the total amount of following~~ deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code ~~and~~ with the modifications specified in this section: (A) 100% of charitable contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 50% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (C) 50% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.

~~(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.~~

(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. 2014 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 total amount of wagering losses claimed as an itemized deduction in section 165(d) of the federal internal revenue code, and amendments thereto.

Sec. 14. K.S.A. 2014 Supp. 79-32,269 is hereby amended to read as follows: 79-32,269. (a) (1) Except as provided in subsection (a)(2), commencing with fiscal year ~~2018~~ 2021, 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.

Sec. 15. K.S.A. 2014 Supp. 79-3301 is hereby amended to read as follows: 79-3301. As used in K.S.A. 79-3301 et seq., and amendments thereto:

(a) "Carrier" means one who transports cigarettes from a manufacturer to a wholesale dealer or from one wholesale dealer to another.

(b) "Carton" means the container used by the manufacturer of cigarettes in which no more than 10 packages of cigarettes are placed prior to shipment from such manufacturer.

(c) "Cigarette" means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape, and irrespective of tobacco being flavored, adulterated or mixed with any other ingredient if the wrapper is in greater part made of any material except tobacco.

(d) "Consumer" means the person purchasing or receiving cigarettes or tobacco products for final use.

(e) "Dealer" means any person who engages in the sale or manufacture of cigarettes or electronic cigarettes in the state of Kansas, and who is required to be licensed under the provisions of this act.

(f) "Dealer establishment" means any location or premises, other than vending machine locations, at or from which cigarettes or electronic cigarettes are sold, and where records are kept.

(g) "Director" means the director of taxation.

(h) "Distributor" means: (1) Any person engaged in the business of selling tobacco products or electronic cigarettes in this state who brings, or causes to be brought, into this state from outside the state any tobacco products or electronic cigarettes for sale;

(2) any person who makes, manufactures, fabricates or stores tobacco products or electronic cigarettes in this state for sale in this state; or

(3) any person engaged in the business of selling tobacco products outside this state who ships or transports tobacco products or electronic cigarettes to any person in the business of selling tobacco products or electronic cigarettes in this state.

(i) "Division" means the division of taxation.

(j) "License" means the privilege of a licensee to sell cigarettes ~~or~~ tobacco products or electronic cigarettes in the state of Kansas, and the written evidence of such authority or privilege as issued by the director.

(k) "Licensee" means any person holding a current license issued pursuant to this act.

(l) "Manufacturer's salesperson" means a person employed by a cigarette manufacturer who sells cigarettes, manufactured by such employer and procured from wholesale dealers.

(m) "Meter imprints" means tax indicia applied by means of ink printing machines.

(n) (1) "Package" means a container in which no more than 25 individual cigarettes are wrapped and sealed by the manufacturer of cigarettes prior to shipment to a wholesale dealer;

(2) for the purposes of ~~subsections (u), (v) and (w) of K.S.A. 79-3321~~ (u), (v) and (w), and amendments thereto, "package" means the same as provided in 15 U.S.C. § 1332(4).

(o) "Person" means any individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise and any combination of individuals.

(p) "Received" means the coming to rest of cigarettes for sale by any dealer in the state of Kansas.

(q) "Retail dealer" means a person, other than a vending machine operator, in possession of cigarettes or electronic cigarettes for the purpose of sale to a consumer, either directly or by remote sale through the internet.

(r) "Sale" means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes ~~or~~ tobacco products or electronic cigarettes, with or without consideration.

(s) "Sample" means cigarettes or tobacco products distributed to members of the general public at no cost for purposes of promoting the product.

(t) "Self-service display" means a display that contains cigarettes or tobacco products and is located in an area openly accessible to a retail dealer's consumers, and

from which such consumers can readily access cigarettes or tobacco products without the assistance of a salesperson. A display case that holds cigarettes or tobacco products behind locked doors does not constitute a self-service display.

(u) "Stamps" means tax indicia applied either by means of water applied gummed paper or heat process.

(v) "Tax indicia" means visible evidence of tax payment in the form of stamps or meter imprints.

(w) "Tobacco products" means cigars, cheroots, stogies, periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking. Tobacco products do not include cigarettes or electronic cigarettes.

(x) "Tobacco speciality store" means a dealer establishment that derives at least 75% of such dealer establishment's revenue from cigarettes or tobacco products.

(y) "Vending machine" means any coin operated machine, contrivance or device, by means of which merchandise may be sold.

(z) "Vending machine distributor" means any person who sells cigarette vending machines to a vending machine operator operating vending machines in the state of Kansas.

(aa) "Vending machine operator" means any person who places a vending machine, owned, leased or operated by such person, at locations where cigarettes are sold from such vending machine. The owner or lessee of the premises upon which a vending machine is placed shall not be considered the operator of the machine, nor shall the owner or lessee, or any employee or agent of the owner or lessee be considered an authorized agent of the vending machine operator, if the owner or lessee does not own or lease the machine and the owner's or lessee's sole remuneration from the machine is a flat rental fee or commission based upon the number or value of cigarettes sold from the machine, or a combination of both.

(bb) "Wholesale dealer" means any person who sells cigarettes to other wholesale dealers, retail dealers, vending machine operators and manufacturer's salespersons for the purpose of resale in the state of Kansas.

(cc) "Wholesale sales price" means the original net invoice price for which a manufacturer sells a tobacco product to a distributor, as shown by the manufacturer's original invoice.

(dd) "Importer" means the same as provided in 26 U.S.C. § 5702(l).

(ee) "Manufacturer" means the same as provided in 26 U.S.C. § 5702(d).

(ff) "Electronic cigarette" means a battery-powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems. The term "electronic cigarette" includes consumable material but does not include any product regulated as a drug or device under chapter V of the federal food, drug and cosmetic act.

(gg) "Consumable material" means any liquid nicotine solution or other substance containing nicotine that is sold, marketed or intended to be used in an electronic cigarette.

(hh) "Liquid nicotine container" means a bottle or other container of consumable material except where the consumable material is contained in a cartridge that is pre-filled and sealed by the manufacturer, and not intended to be opened by the consumer.

(ii) "Tank" means the reservoir section of an electronic cigarette where the consumable material from a liquid nicotine container is poured into and resides prior to its conversion to a vapor.

Sec. 16. K.S.A. 2014 Supp. 79-3310 is hereby amended to read as follows: 79-3310. There is imposed a tax upon all cigarettes sold, distributed or given away within the state of Kansas. ~~On and after July 1, 2002, and before January 1, 2003, the rate of such tax shall be \$.70 on each 20 cigarettes or fractional part thereof or \$.875 on each 25 cigarettes, as the case requires. On and after January 1, 2003, July 1, 2015, the rate of such tax shall be \$.79 \$1.29 on each 20 cigarettes or fractional part thereof or \$.99 \$1.61 on each 25 cigarettes, as the case requires. Such tax shall be collected and paid to the director as provided in this act. Such tax shall be paid only once and shall be paid by the wholesale dealer first receiving the cigarettes as herein provided.~~

The taxes imposed by this act are hereby levied upon all sales of cigarettes made to any department, institution or agency of the state of Kansas, and to the political subdivisions thereof and their departments, institutions and agencies.

Sec. 17. K.S.A. 2014 Supp. 79-3310c is hereby amended to read as follows: 79-3310c. ~~(4) On or before July 30, 2002 31, 2015, each wholesale dealer, retail dealer and vending machine operator shall file a report with the director in such form as the director may prescribe showing cigarettes, cigarette stamps and meter imprints on hand at 12:01 a.m. on July 1, 2002 2015. A tax of \$.46 \$.50 on each 20 cigarettes or fractional part thereof or \$.575 \$.61 on each 25 cigarettes, as the case requires and \$.46 or \$.575 \$.50 or \$.61, as the case requires upon all tax stamps and all meter imprints purchased from the director and not affixed to cigarettes prior to July 1, 2002 2015, is hereby imposed and shall be due and payable in equal installments on or before July 30, 2002, on or before September 30, 2002, and on or before December 30, 2002 July 31, 2015. The tax imposed upon such cigarettes, tax stamps and meter imprints shall be imposed only once under this act. The director shall remit all moneys collected pursuant to this section to the state treasurer who shall credit the entire amount thereof to the state general fund.~~

~~(2) On or before January 30, 2003, each wholesale dealer, retail dealer and vending machine operator shall file a report with the director in such form as the director may prescribe showing cigarettes, cigarette stamps and meter imprints on hand at 12:01 a.m. on January 1, 2003. A tax of \$.09 on each 20 cigarettes or fractional part thereof or \$.115 on each 25 cigarettes, as the case requires and \$.09 or \$.115, as the case requires upon all tax stamps and all meter imprints purchased from the director and not affixed to cigarettes prior to January 1, 2003, is hereby imposed and shall be due and payable in equal installments on or before January 30, 2003, on or before March 30, 2003, and on or before June 30, 2003. The tax imposed upon such cigarettes, tax stamps and meter imprints shall be imposed only once under this act. The director shall remit all moneys collected pursuant to this section to the state treasurer who shall credit the entire amount thereof to the state general fund.~~

Sec. 18. K.S.A. 2014 Supp. 79-3311 is hereby amended to read as follows: 79-3311. The director shall design and designate indicia of tax payment to be affixed to each package of cigarettes as provided by this act. The director shall sell water applied

stamps only to licensed wholesale dealers in the amounts of 1,000 or multiples thereof. Stamps applied by the heat process shall be sold only in amounts of 30,000 or multiples thereof, except that such stamps which are suitable for packages containing 25 cigarettes each shall be sold in amounts prescribed by the director. Meter imprints shall be sold only in amounts of 10,000 or multiples thereof. Water applied stamps in amounts of 10,000 or multiples thereof and stamps applied by the heat process and meter imprints shall be supplied to wholesale dealers at a discount of ~~90% on and after July 1, 2002, and before January 1, 2003, and 80%~~ 0.55% on and after July 1, 2015, and thereafter from the face value thereof, and shall be deducted at the time of purchase or from the remittance therefor as hereinafter provided. Any wholesale cigarette dealer who shall file with the director a bond, of acceptable form, payable to the state of Kansas with a corporate surety authorized to do business in Kansas, shall be permitted to purchase stamps, and remit therefor to the director within 30 days after each such purchase, up to a maximum outstanding at any one time of 85% of the amount of the bond. Failure on the part of any wholesale dealer to remit as herein specified shall be cause for forfeiture of such dealer's bond. All revenue received from the sale of such stamps or meter imprints 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 cigarette tax refund fund and shall credit the remaining balance to the state general fund. A refund fund designated the cigarette tax refund fund not to exceed \$10,000 at any time shall be set apart and maintained by the director from taxes collected under this act and held by the state treasurer for prompt payment of all refunds authorized by this act. Such cigarette tax refund fund shall be in such amount as the director shall determine is necessary to meet current refunding requirements under this act.

The wholesale cigarette dealer shall affix to each package of cigarettes stamps or tax meter imprints required by this act prior to the sale of cigarettes to any person, by such dealer or such dealer's agent or agents, within the state of Kansas. The director is empowered to authorize wholesale dealers to affix revenue tax meter imprints upon original packages of cigarettes and is charged with the duty of regulating the use of tax meters to secure payment of the proper taxes. No wholesale dealer shall affix revenue tax meter imprints to original packages of cigarettes without first having obtained permission from the director to employ this method of affixation. If the director approves the wholesale dealer's application for permission to affix revenue tax meter imprints to original packages of cigarettes, the director shall require such dealer to file a suitable bond payable to the state of Kansas executed by a corporate surety authorized to do business in Kansas. The director may, to assure the proper collection of taxes imposed by the act, revoke or suspend the privilege of imprinting tax meter imprints upon original packages of cigarettes. All meters shall be under the direct control of the director, and all transfer assignments or anything pertaining thereto must first be authorized by the director. All inks used in the stamping of cigarettes must be of a special type devised for use in connection with the machine employed and approved by the director. All repairs to the meter are strictly prohibited except by a duly authorized representative of the director. Requests for service shall be directed to the director. Meter machine ink imprints on all packages shall be clear and legible. If a wholesale dealer continuously issues illegible cigarette tax meter imprints, it shall be considered

sufficient cause for revocation of such dealer's permit to use a cigarette tax meter.

A licensed wholesale dealer may, for the purpose of sale in another state, transport cigarettes not bearing Kansas indicia of tax payment through the state of Kansas provided such cigarettes are contained in sealed and original cartons.

Sec. 19. K.S.A. 2014 Supp. 79-3312 is hereby amended to read as follows: 79-3312. The director shall redeem any unused stamps or meter imprints that any wholesale dealer presents for redemption within six months after the purchase thereof, at the face value less ~~90% on and after July 1, 2002, and before January 1, 2003, and .80% thereafter~~ 0.55% thereof if such stamps or meter imprints have been purchased from the director. The director shall prepare a voucher showing the net amount of such refund due, and the director of accounts and reports shall draw a warrant on the state treasurer for the same. Wholesale dealers shall be entitled to a refund of the tax paid on cigarettes which have become unfit for sale upon proof thereof less ~~90% on and after July 1, 2002, and before January 1, 2003, and .80% thereafter~~ 0.55% of such tax.

Sec. 20. K.S.A. 2014 Supp. 79-3316 is hereby amended to read as follows: 79-3316. (a) All purchases of cigarettes or electronic cigarettes by any dealer shall be evidenced by an invoice, a duplicate of which shall be furnished the party receiving the cigarettes or electronic cigarettes from any dealer.

(b) Purchases of cigarettes or electronic cigarettes by wholesale dealers shall be made from the manufacturers of cigarettes or electronic cigarettes or from other Kansas licensed wholesale dealers. Purchases of cigarettes or electronic cigarettes by retail dealers or vending machine operators shall be from wholesale dealers.

(c) All invoices issued by wholesale dealers shall be in duplicate and a copy must accompany the consigned cigarettes or electronic cigarettes. Cigarettes or electronic cigarettes sold by a wholesale dealer to any other dealer shall be evidenced by invoices bearing the vendee's name and license number. A wholesale dealer selling cigarettes to a manufacturer's salesperson shall at the time of delivery of same make a true duplicate invoice inserting therein the name of the salesman together with the name of such salesperson's employer.

(d) All records pertaining to sales of cigarettes or electronic cigarettes by dealers in the state of Kansas shall be preserved for a period of three years and shall be available for inspection by the director or the director's designee at the dealer's place of business or, if the dealer has more than one place of business in the state, at a central location of the dealer.

(e) Every wholesale dealer shall report to the director on or before the 10<sup>th</sup> day of each month, stating the amount of cigarettes and the volume of consumable material in the case of electronic cigarettes sold during the preceding month and the amount of all cigarettes and the volume of consumable material in the case of electronic cigarettes returned to the manufacturer. Any wholesale dealer who refuses any shipment or part of a shipment of unstamped cigarettes or untaxed electronic cigarettes or has a shortage in the shipment of cigarettes or electronic cigarettes consigned to such dealer shall in the monthly report next following the refusal or shortage report to the director the number of packages or cartons of cigarettes or electronic cigarettes refused or short and the name of the carrier from whom the cigarettes or electronic cigarettes were refused or shortage occurred. Such report shall be made on forms provided by the director and shall contain such other information as the director may require.

(f) Exemption from payment of ~~cigarette~~ tax on sale of cigarettes or electronic

cigarettes made outside the state by any wholesale dealer shall be filed on forms provided by the director.

Sec. 21. K.S.A. 2014 Supp. 79-3334 is hereby amended to read as follows: 79-3334. (a) The Kansas department of revenue shall publish a list of active cigarette ~~and~~ tobacco and electronic cigarette licensees and shall update such list monthly.

(b) The list of active cigarette ~~and~~ tobacco and electronic cigarette licensees published as provided in subsection (a) shall contain the following information: County name, owner, business name, address, license type and license number.

(c) The provisions of this section shall be part of and supplemental to the Kansas cigarette and tobacco products act.

Sec. 22. K.S.A. 2014 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 0.05% 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~~ 12<sup>th</sup> 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, candy, dietary supplements, food sold through vending machines, prepared food, soft drinks or tobacco.

(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 or 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. 2014 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) "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.

(iii) "Food sold through vending machines" means food dispensed from a machine or other mechanical device that accepts payment.

(jjj) (1) "Prepared food" means any of the following:

(A) Food sold in a heated state or heated by the seller;

(B) two or more food ingredients mixed or combined by the seller for sale as a single item; or

(C) 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.

(2) "Prepared food" does not include:

(A) Food that is only cut, repackaged or pasteurized by the seller;

(B) eggs, fish, meat, poultry and foods containing these raw animal foods requiring cooking by the consumer as recommended by the United States food and drug administration, in chapter 3, part 401.11 of its food code, so as to prevent foodborne illnesses;

(C) if sold without eating utensils provided by the seller, bakery items, including breads, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies and tortillas; or

(D) food sold by a seller whose primary North American industry classification system, United States, 2002 edition, classification is manufacturing in sector 311, except subsector 3118.

(III) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does 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.

(mmm) "Dietary supplement" shall have the same meaning ascribed to it as in K.S.A. 79-3606(jjj), and amendments thereto.

Sec. 23. K.S.A. 2014 Supp. 79-3695 is hereby amended to read as follows: 79-3695. If any contractor has entered into a written binding contract prior to May 1, ~~2010~~ 2015, for the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a building, facility or residential structure, or for the construction, reconstruction, restoration, replacement or repair of a bridge or highway, the state sales tax applicable to such contracts shall be remitted at the rate in effect prior to the state sales tax increase scheduled to take effect on July 1, ~~2010~~ 2015, if the contractor gives notice and proof of such contract to the director of taxation on or before July 10, ~~2010~~ 2015, which notice and proof shall be in such form and of such sufficiency as the director shall prescribe.;

Also on page 109, in line 33, after "91," by inserting "79-32,110,,"; also in line 33, after "79-32,117," by inserting "79-32,120,,"; also in line 33, after "79-32,265," by inserting "79-32,269, 79-32,270, 79-3301, 79-3310, 79-3310c, 79-3311, 79-3312, 79-3316, 79-3334, 79-3602,,"; in line 35, after "79-3620," by inserting "79-3695,,";

And by renumbering sections accordingly;

On page 1, in the title, in line 13, after "tax," by inserting "rates, subtraction

modifications, itemized deductions,"; in line 16, after "rates," by inserting "food,"; also in line 16, after "thereof;" by inserting "taxation of cigarettes; taxation of electronic cigarettes,"; in line 18, after "91," by inserting "79-32,110,"; also in line 18, after "79-32,117," by inserting "79-32,120,"; also in line 18, after "79-32,265," by inserting "79-32,269, 79-3301, 79-3310, 79-3310c, 79-3311, 79-3312, 79-3316, 79-3334, 79-3602,"; in line 20, after "79-3620," by inserting "79-3695,"; in line 21, after "sections" by inserting "; also repealing K.S.A. 2014 Supp. 79-32,270"

In accordance with Senate Rule 27, Senator Hensley offered a motion to divide the question.

Part 1 contains an income tax exclusion for low income persons and is contained in section 12, subsection(f).

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

On roll call, the vote was: Yeas 33; Nays 4; Present and Passing 1; Absent or Not Voting 2.

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

Nays: Abrams, Donovan, Ostmeyer, Smith.

Present and Passing: Francisco.

Absent or Not Voting: Arpke, Wilborn.

Part 1 of the motion was retained.

#### EXPLANATION OF VOTE

Mr. Chairman: I vote to "Pass" on the amendment to create the income tax exclusion for some individuals. I do not believe the way the proposal is structured is fair. It will create a "cliff" in tax rates by exempting individuals with taxable incomes of \$5,000 or married individuals filing joint returns with taxable incomes of \$12,500 yet charging the full tax due to those making just one dollar more so they end up with less. There was some discussion that this would make up for eliminating the food sales tax rebate and the increase in sales tax but with no information about who this would help or if it is the best way to help. I understand that the reductions in income tax have created the shortfalls in revenue. This is one more proposal to eliminate income tax with the cost proposed to be paid by raising sales taxes. I will continue to work on proposals to make our Kansas taxes fair, balanced, and stable. —MARCI FRANCISCO

Part 2 raises the sales and compensating use tax to 6.5% as of July 1, 2015 and changes the rate on food to 6% on January 1, 2016 and is contained in sections 7, 8, 9, 10, 22 and 23.

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

On roll call, the vote was: Yeas 8; Nays 30; Present and Passing 0; Absent or Not Voting 2.

Yeas: Donovan, Holmes, Kerschen, King, Longbine, Olson, Powell, Wagle.

Nays: Abrams, Baumgardner, Bowers, Bruce, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Knox, LaTurner, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, Schmidt, Smith, Tyson, Wolf.

Absent or Not Voting: Arpke, Wilborn.

Part 2 was not retained.

Part 3 is the balance of the amendment not specified in parts one and two of this request. Part 3 was not retained.

**S Sub HB 2109** retains a place on the calendar.

#### **CHANGE OF CONFERENCE**

The President announced the appointment of Senator Masterson as a member of the Conference Committee on **H Sub SB 112** to replace Senator King.

The President announced the appointment of Senator Denning as a member of the Conference Committee on **H Sub SB 112** to replace Senator Smith.

The President announced the appointment of Senator Kelly as a member of the Conference Committee on **H Sub SB 112** to replace Senator Pettey.

#### **REPORT ON ENROLLED BILLS**

**SR 1753** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on June 1, 2015.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Tuesday, June 2, 2015.

# Journal of the Senate

SEVENTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, June 2, 2015, 10:00 a.m.

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

The roll was called with 39 senators present.

Senator Arpke was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, In Exodus 3:7, You told Moses that You could surely see the significant problems the people were facing. You told him that You heard the people's cries for help and that You were aware of their distress. As we come to You today, we know You see what we're facing and You hear our cries for help. Then in verse 8, You gave Moses some real encouraging words. You said You had come to the rescue and would bring them into a land of plenty. But in verse 10, Your words seemed to take a turn. After telling Moses what You were going to do for the people, You told him with his human limitations to go and do it. Lord, like Moses, we're mere human beings, charged with the responsibility of leading the people into a place of plenty. The magnitude of what we're facing and the responsibility of it, in view of our finiteness and our differing opinions, is so overwhelming that it often feels like it's too much for us. But to relieve Moses' concern over the heaviness of his charge, the promising words You spoke to him were "I'LL BE WITH YOU." And Lord, that's what we really need to remember. In view of the gravity of what we're trying to accomplish, remind us to rest on Your promise in Hebrews 13:5, that even during times of financial struggle, we can be content that You'll never leave us nor forsake us. Thank You Lord for Your Words of assurance. In Jesus name. Amen

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

On motion of Senator Bruce, the Senate recessed until 1:00 p.m.

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

## MESSAGE FROM THE HOUSE

The House announced the appointment of Reps. Ryckman, Schwartz and Henry to replace Reps. Barker, Macheers and Carmichael as conferees on **H Sub SB 112**.

The House announced the appointment of Reps. Barker, Macheers and Carmichael to replace Reps. Rubin, Gonzalez and Highberger as conferees on **HB 2048**.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

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

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee Report on **HB 2331**.

The House adopts the Conference Committee Report on **S Sub HB 2353**.

The House adopts the Conference Committee Report to agree to disagree on **H Sub SB 112**, and has appointed Representatives Ryckman, Schwartz and Henry as Second conferees on the part of the House.

The House announced the appointment of Rep. Ward to replace Rep. Houston as a conferee on **HB 2142**.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 112** 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.

RON RYCKMAN, JR.

SHARON SCHWARTZ

JERRY HENRY

*Conferees on part of House*

TY MASTERSON

JIM DENNING

LAURA KELLY

*Conferees on part of Senate*

On motion of Senator Masterson the Senate adopted the conference committee report on **H Sub SB 112**, 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 **H Sub SB 112**.

**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.

**S Sub HB 2109** be further amended by motion of Senator LaTurner, As Further Amended by Senate Committee of the Whole, on page 109, following line 31, by inserting:

"Sec. 11. K.S.A. 2014 Supp. 79-2925b, as amended by section 76 of 2015 House Substitute for Senate Bill No. 7, is hereby amended to read as follows: 79-2925b. (a) Without a majority vote so providing, the governing body of any municipality shall not approve any appropriation or budget, as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year, adjusted to reflect

changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year. If the total tangible property valuation in any municipality increases from the next preceding year due to increases in the assessed valuation of existing tangible property and such increase exceeds changes in the consumer price index, the governing body shall lower the amount of ad valorem tax to be levied to the amount of ad valorem tax levied in the next preceding year, adjusted to reflect changes in the consumer price index. This subsection shall not apply to ad valorem taxes levied under K.S.A. 76-6b01 and 76-6b04 and section 11 of 2015 House Substitute for Senate Bill No. 7, and amendments thereto, and any other ad valorem tax levy which was previously approved by the voters of such municipality. Except as provided in subsection (g), notwithstanding the requirements of this subsection, nothing herein shall prohibit a municipality from increasing the amount of ad valorem tax to be levied if the municipality approves the increase with a majority vote of the governing body by the adoption of a resolution and publishes such vote as provided in subsection (c).

(b) Revenue that, in the current year, is produced and attributable to the taxation of:

- (1) New improvements to real property;
- (2) increased personal property valuation, other than increased valuation of oil and gas leaseholds and mobile homes;
- (3) property located within added jurisdictional territory; or
- (4) property which has changed in use shall not be considered when determining whether revenue produced from property has increased from the next preceding year.

(c) In the event the governing body votes to approve any appropriation or budget, as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year as provided in subsection (a), notice of such vote shall be published in the official county newspaper of the county where such municipality is located.

(d) The provisions of this section shall be applicable to all fiscal and budget years commencing on and after the effective date of this act.

(e) The provisions of this section shall not apply to revenue received from property tax levied for the sole purpose of repayment of the principal of and interest upon bonded indebtedness, temporary notes and no-fund warrants.

(f) For purposes of this section, "municipality" means any political subdivision of the state which levies an ad valorem tax on property and includes, but is not limited to, any county, township, municipal university, school district, community college, drainage district or other taxing district. "Municipality" shall not include any such political subdivision or taxing district which receives \$1,000 or less in revenue from property taxes in the current year.

(g) In the case of cities and counties, a resolution authorizing the adoption of any appropriation or budget under subsection (a) shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the city or county voting at an election called and held thereon. The election shall be held at the next regularly scheduled election. Nothing in this subsection shall prevent any city or county from holding more than one election in any year."

Also on page 109, in line 33, after the first comma by inserting "79-2925b, as amended by section 76 of 2015 House Substitute for Senate Bill No. 7,";

And by renumbering sections accordingly;

On page 1, in the title, in line 14, after "exemptions" by inserting "; increase limitation, election requirement"; in line 18, after the first comma by inserting "79-2925b, as amended by section 76 of 2015 House Substitute for Senate Bill No. 7,"

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

On roll call, the vote was: Yeas 29; Nays 9; Present and Passing 1; Absent or Not Voting 1.

Yeas: Abrams, Bruce, Denning, Faust-Goudeau, Fitzgerald, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Baumgardner, Bowers, Donovan, Francisco, Hawk, McGinn, Pettey, Schmidt, Wolf.

Present and Passing: King.

Absent or Not Voting: Arpke.

The amendment was adopted.

**S Sub HB 2109** be further amended by motion of Senator King, As Further Amended by Senate Committee of the Whole, on page 48, in line 9, after "allowed" by inserting "for: (a)"; in line 13, after "purposes" by inserting "; or (b)"; in line 15, after "claimed" by inserting ", except that this provision shall not apply for an individual whose spouse possesses a valid social security number for the entire taxable year and whose filing status for income tax purposes is married filing jointly";

On page 98, by striking all in lines 26 through 43;

By striking all on page 99 through 108;

On page 109, by striking all in lines 1 through 31;

And by striking section 12, K.S.A. 2014 Supp. 79-32,110, of the amendment designated fa\_2015\_hb2109\_s\_2395 adopted by the Senate Committee of the Whole on June 1, 2015, and by adjusting the repealer and title accordingly;

Also on page 109, in line 33, by striking the last comma; by striking all in line 34; in line 35, by striking "Bill No. 2155," and inserting "and"; also in line 35, by striking ", 79-3620, 79-3703 and 79-3710";

And by renumbering sections accordingly;

On page 1, in the title, in line 16, by striking all after "taxation;" in line 18, by striking ", 79-"; by striking all in line 19; in line 20, by striking "Bill No. 2155," and inserting "and"; also in line 20, by striking ",79-3620, 79-3703 and 79-3710"

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

On roll call, the vote was: Yeas 21; Nays 17; Present and Passing 1; Absent or Not Voting 1.

Yeas: Baumgardner, Bowers, Bruce, Denning, Donovan, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Tyson, Wagle, Wilborn.

Nays: Abrams, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Kelly, Lynn, McGinn, Melcher, Pettey, Pilcher-Cook, Pyle, Schmidt, Smith, Wolf.

Present and Passing: Francisco.

Absent or Not Voting: Arpke.

The amendment was adopted.

## EXPLANATION OF VOTE

Mr. Chair: I Vote "No" on the amendment offered by Senator King. This amendment basically strips out of the bill much of the debate and the hard work of the Senate which has occurred over the last twelve days. It makes a waste of precious time of almost two weeks. Many of my constituents (many of our constituents, Mr. Chair), actually expect us to come to the Senate to represent them and their opinions, reflect their voices, by our amendments and our votes through debate and legislation. That is precisely what we have all attempted to do here over these last, soon, thirteen days of "overtime;" past the ninety days accorded every "regular" session. With this amendment, the decisions of this crucial, time-consuming and tax-payer expensive, bill will be left in the hands of only six (actually FOUR) conference committee legislators. This is pure, simple abdication of our individual and collective elected responsibilities as Kansas Senators. Again, the only truly responsible vote for this amendment is "No." Accordingly, I do.—

DAVID HALEY

Senator Faust-Goudeau requests the record to show she concurs with the "Explanation of Vote" offered by Senator Haley on **S Sub HB 2109**.

**S Sub HB 2109** be further amended by motion of Senator Francisco, As Further Amended by Senate Committee of the Whole, on page 103, in line 34, by striking "and"; in line 38, after "section" by inserting "; and

(x) commencing January 1, 2016, and thereafter, the gross receipts from the sale of food and food ingredients shall be taxed at the rate of 5.7%";

On page 105, in line 15, after "(5)" by inserting "(A)"; also in line 15, by striking "14.565%" and inserting "17.600%"; following line 19, by inserting:

"(B) On January 1, 2016, the state treasurer shall credit 17.600% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rates of 5.95% and 5.7%, and deposited as provided by subsection (d), in the state highway fund."; in line 21, by striking "14.610%" and inserting "17.743%"; in line 22, by striking "rate" and inserting "rates"; also in line 22, after "5.95%" by inserting "and 5.7%";

On page 106, in line 36, before the period, by inserting ", except that such rate shall be 5.7% on and after January 1, 2016, upon food and food ingredients, as defined in K.S.A. 79-3602, and amendments thereto";

On page 108, in line 17, after "(5)" by inserting "(A)"; also in line 17, by striking "14.565%" and inserting "17.600%"; following line 21, by inserting:

"(B) On January 1, 2016, the state treasurer shall credit 17.600% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rates of 5.95% and 5.7%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund."; in line 23, by striking "14.610%" and inserting "17.743%"; in line 24, by striking "rate" and inserting "rates"; also in line 24, after "5.95%" by inserting "and 5.7%";

On page 109, following line 31, by inserting:

"Sec. 11. K.S.A. 2014 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 0.05% 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~~ 12<sup>th</sup> 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, candy, dietary supplements, food sold through vending machines, prepared food, soft drinks or tobacco.

(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 or 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. 2014 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) "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.

(iii) "Food sold through vending machines" means food dispensed from a machine or other mechanical device that accepts payment.

(jjj) (1) "Prepared food" means any of the following:

(A) Food sold in a heated state or heated by the seller;

(B) two or more food ingredients mixed or combined by the seller for sale as a single item; or

(C) 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.

(2) "Prepared food" does not include:

(A) Food that is only cut, repackaged or pasteurized by the seller;

(B) eggs, fish, meat, poultry and foods containing these raw animal foods requiring cooking by the consumer as recommended by the United States food and drug administration, in chapter 3, part 401.11 of its food code, so as to prevent foodborne illnesses;

(C) if sold without eating utensils provided by the seller, bakery items, including breads, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies and tortillas; or

(D) food sold by a seller whose primary North American industry classification system, United States, 2002 edition, classification is manufacturing in sector 311, except subsector 3118.

(lll) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does 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.

(mmm) "Dietary supplement" shall have the same meaning ascribed to it as in K.S.A. 79-3606(jjj), and amendments thereto.";

Also on page 109, in line 33, after "79-32,265," by inserting "79-3602,";

And by renumbering sections accordingly;

On page 1, in the title, in line 15, after "exemptions" by inserting ", food"; in line 18, after "79-32,265," by inserting "79-3602,"

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

On roll call, the vote was: Yeas 24; Nays 11; Present and Passing 1; Absent or Not Voting 4.

Yeas: Abrams, Baumgardner, Bowers, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, Love, Lynn, McGinn, O'Donnell, Petersen, Pettey, Pyle, Schmidt, Tyson, Wilborn, Wolf.

Nays: Bruce, Denning, Holmes, Kerschen, Knox, Masterson, Ostmeyer, Pilcher-Cook, Powell, Smith, Wagle.

Present and Passing: Donovan.

Absent or Not Voting: Arpke, King, Melcher, Olson.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, June 3, 2015.

# Journal of the Senate

SEVENTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, June 3, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 39 senators present.  
Senator Arpke was excused.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father, In view of our financial predicament, a principle that You've given to guide our decisions is found in Luke 16:10. You said, whoever can be trusted with little can also be trusted with much. With that in mind, Lord, this seems to be a time when You're trusting us with little. What we have is very little in view of what we need. And there's a real struggle going on, trying to be trustworthy. Lord, guide our stewardship over whatever resources there are that we might prove worthy of Your trust. And as we're going through, help us pass the test of the "little," looking forward to the test of the "much." Take us through this time of testing to a time of testimony. And when the struggles of these days are well behind us, let our testimony be like that of King David. You said he was a man after Your own heart as You placed him in leadership (I Samuel 13:14.) Later, as he reflected on how You blessed him, he exclaimed in Psalm 37:25, that he had, at one time, been young and was now old, yet had never seen the righteous forsaken or their children begging for bread. Like David, You've entrusted us with leadership responsibility. Like David, give us hearts after You. Let the "little" in our state's resources, be blessed by Your hand. And like David, we'll look back in gratefulness when You're trusting us with the "much"! In the name of Jesus. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## COMMITTEE OF THE WHOLE

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:

Committee of the Whole actions on **S Sub HB 2109** from June 2, 2015 (Senate Session Day 78 Journal, pages 1005-1017) and the following:

**S Sub HB 2109** be further amended by motion of Senator Bruce, As Further Amended by Senate Committee of the Whole, by striking all parts contained in the amendment designated fa\_2015\_hb2109\_s\_2392 adopted by the Senate Committee of

the Whole on June 2, 2015, that made amendments on pages 103, 105, 106 and 108;

On page 109, after line 31, by inserting the following:

"Sec. 11. K.S.A. 2014 Supp. 79-3603, as amended by section 20, of 2015 Senate Substitute for House Bill 2155, 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 6.15%. 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. 2014 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. 2014 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 K.S.A. 79-201 ~~Ninth~~ Eighth, 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 K.S.A. 79-201-~~Eighth~~ Seventh and ~~Ninth~~ Eighth, 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; (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 paragraph (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 K.S.A. 79-5105(a), (b)(1) and (b)(2), 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. 2014 Supp. 79-3673, and amendments thereto;

(v) all sales of bingo cards, bingo faces and instant bingo tickets by licensees under section 1 of 2015 Senate Substitute for House Bill No. 2155, et seq., and amendments

thereto, shall be exempt from taxes imposed pursuant to this section; ~~and~~

(w) all sales of charitable raffle tickets in accordance with section 1 of 2015 Senate Substitute for House Bill No. 2155, et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section; and

(x) commencing January 1, 2016, and thereafter, the gross receipts from the sale of food and food ingredients shall be taxed at the rate of 5.7%.

Sec. 12. K.S.A. 2014 Supp. 79-3620 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 <sup>5</sup>/<sub>98</sub> 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 <sup>5</sup>/<sub>106</sub> 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 <sup>10</sup>/<sub>265</sub> 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 <sup>13</sup>/<sub>106</sub> 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)(2) 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)~~(3) 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.

~~(8)~~(4) On July 1, 2013, ~~and thereafter~~, the state treasurer shall credit 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 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) (A) On July 1, 2015, the state treasurer shall credit 17.141% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(B) On January 1, 2016, the state treasurer shall credit 17.141% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rates of 6.15% and 5.7%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2016, and thereafter, the state treasurer shall credit 17.234% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rates of 6.15% and 5.7%, 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. 2014 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. 2014 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(d)~~, 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 (e) of K.S.A. 79-3603(c)~~, 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(e)~~, 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(oo), and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191<sup>st</sup> 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, 183<sup>rd</sup> 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. 2014 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 6.15%, except that commencing January 1, 2016, such rate shall be 5.7% on food and food ingredients as defined by K.S.A. 79-3602, and amendments thereto. 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. 14. K.S.A. 2014 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  $\frac{5}{100}$  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)(2)~~ 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)(3)~~ 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.

~~(8)(4)~~ On July 1, 2013, ~~and thereafter~~, the state treasurer shall credit 17.073% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) (A) On July 1, 2015, the state treasurer shall credit 17.141% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(B) On January 1, 2016, the state treasurer shall credit 17.141% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rates of 6.15% and 5.7%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2016, and thereafter, the state treasurer shall credit 17.234% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rates of 6.15% and 5.7%, 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(d)~~, 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(d)~~, 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(z)~~, and amendments thereto.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by ~~subsection (e) of K.S.A. 79-3603(c)~~, 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(e)~~, 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(oo)~~, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191<sup>st</sup> 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, 183<sup>rd</sup> 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.";

Also on page 109, in line 33, after "79-32,265" by inserting a comma; by striking all in line 34; in line 35, by striking "and" as inserted by the amendment designated [fa\\_2015\\_hb2109\\_s\\_2416](#) adopted by the Senate Committee of the Whole on June 2, 2015,; also in line 35, by striking all before "are" and inserting " 79-3603, as amended by section 20 of 2015 Senate Substitute for House Bill No. 2155, 79-3606, 79-3620, 79-3703 and 79-3710"

And by renumbering sections accordingly;

On page 1, in the title, in line 15, after "exemptions" by inserting ", rates, distribution thereof"; in line 18, after "79-32,265" by inserting a comma; by striking all in line 19; in line 20 by striking "and" as inserted by the amendment designated [fa\\_2015\\_hb2109\\_s\\_2416](#) adopted by the Senate Committee of the Whole on June 2, 2015,; also in line 20, by striking all before the second "and" and inserting "79-3603, as amended by section 20 of 2015 Senate Substitute for House Bill No. 2155, 79-3606,

79-3620, 79-3703 and 79-3710"  
and **S Sub HB 2109** 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 HB 2109** was advanced to Final Action and roll call.

**S Sub HB 2109**, AN ACT concerning taxation; relating to tax amnesty; income tax, eligibility for credits; property tax exemptions; sales and compensating use tax, exemptions; income tax, subtraction modifications; motor vehicle taxation; sales and compensating use tax, rates, distribution thereof; amending K.S.A. 79-5108 and K.S.A. 2014 Supp. 79-201, as amended by section 4 of 2015 Senate Bill No. 91, 79-32,117, 79-32,265, 79-3603, as amended by section 20 of 2015 Senate Substitute for House Bill No. 2155, 79-3606, 79-3620, 79-3703 and 79-3710 and repealing the existing sections.

On roll call, the vote was: Yeas 25; Nays 13; Present and Passing 1; Absent or Not Voting 1.

Yeas: Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Francisco, Holmes, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Smith, Tyson, Wagle, Wilborn.

Nays: Abrams, Faust-Goudeau, Haley, Hawk, Hensley, Kelly, Knox, McGinn, Ostmeyer, Pettey, Pyle, Schmidt, Wolf.

Present and Passing: Holland.

Absent or Not Voting: Arpke.

The substitute bill passed, as amended.

### EXPLANATION OF VOTE

Madam President: I vote "Aye" on **S Sub HB 2109**, hoping that the House will non-concur and that the bill will go to conference committee. The Senate is obligated to address the shortfall in the budget. Now, after full debate, I hope the conference committee will make recommendations to set our tax policy in a direction that is more fair, balanced, and stable. I appreciate the support in the Senate for including the proposal for a bifurcated sales tax that sets a lower rate on sales of food. I agree with the proposals to repeal the "by and on behalf of" in sales tax exemptions, continue to send letters for motor vehicle tax notification, and correct the tax treatment for Christmas tree farms. I would like hearings before some other policies added in amendments on the floor are recommended, especially the requirement for cities and counties to hold elections if increases in their budgets funded by revenue produced from the total tangible property valuation exceeds the change in the consumer price index. The legislature should work to keep property tax increases to a minimum by including appropriate levels of funding for infrastructure and services in the state budget.—MARC FRANCISCO

Madam President: I vote "No" on **S Sub HB 2109**. In a speech Governor Brownback made earlier this year he blamed the Kansas Legislature for our budget shortfall. One of my favorite Presidents, Harry Truman, made one of the most difficult decisions in American history – to drop the atom bomb on two cities in Japan to end World War II. There was a sign on Truman's desk that stated, "The buck stops here." If there were a sign on Sam Brownback's desk it would read, "The buck stops anywhere but here."

This bill is the result of a Governor who either intentionally refuses to lead or doesn't know how to. The Governor blames everyone else for our budget shortfall but himself. The legendary UCLA basketball coach John Wooden once said, "You are not a failure until you start blaming others for your mistakes." This bill is also the result of a Governor who, in the 2012 primary elections, wanted to change the makeup of the Kansas Senate. He got exactly what he wanted. And, now the order of the day is gridlock and dysfunction, which at the end of the day, I predict, will result in the largest tax increase in Kansas history.—ANTHONY HENSLEY

Madam President: I ran for the senate on cutting taxes and forcing government to live within its means. Squaring that with some of the realities we face this session has been difficult. A vote to pass out this incomplete bill was an impossibility for me until yesterday. Property tax reform is enabling me to vote yes today and in part will enable me to vote yes on future conference committee reports. It has been estimated that if a property tax lid were in place it could have potentially saved Kansas tax payers over five billion dollars in the last 17 years. It is also estimated that in the next ten years it could potentially save Kansans over \$2.2 billion in property tax increases. This reform will make a tangible difference in our constituents lives, and it will make our state more competitive regionally. I vote yes today so this will be the senate position and trust that our conferees will use a position that was strongly endorsed by this body in future conference committee reports. I vote "Yes" on **S Sub HB 2109**, Madam President.—JACOB LATURNER

Senators Pilcher-Cook and Smith request the record to show they concur with the "Explanation of Vote" offered by Senator LaTurner on **S Sub HB 2109**.

Madam President: I am voting against **S Sub HB 2109** for several reasons, but primarily due to a particularly egregious attack on local government that was put on the bill yesterday in the form of a previously unconsidered floor amendment. The amendment would tie the hands of local elected officials through an unrealistic property tax lid that does not take into account community growth for which local governments have to build infrastructure. Finally, the amendment is just one more example of the legislature refusing to recognize all of the costs that counties are forced to pay for through property taxes as the legislature rejects more and more of its own responsibility. I believe government closest to the people is best.—CAROLYN MCGINN

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator McGinn on **S Sub HB 2109**.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Senate Substitute for HB 2281** 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.

MARY PILCHER-COOK

MICHAEL O'DONNELL

LAURA KELLY

*Conferees on part of Senate*

DANIEL HAWKINS  
SCOTT SCHWAB  
*Conferees on part of House*

On motion of Senator Pilcher-Cook the Senate adopted the conference committee report on **S Sub HB 2281**, and requested a new conference be appointed.

The President appointed Senators Pilcher-Cook, O'Donnell and Kelly as a second Conference Committee on the part of the Senate on **S Sub HB 2281**.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

#### **MESSAGE FROM THE HOUSE**

The House nonconcurrs in Senate amendments to **S Sub HB 2109**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Sawyer as conferees on the part of the House.

The House adopts the Conference Committee report on **H Sub SB 112**.

#### **ORIGINAL MOTION**

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **S Sub HB 2109**.

The President appointed Senators Donovan, Tyson and Holland as conferees on the part of the Senate.

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

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The Senate met pursuant to recess with President Wagle in the Chair.

#### **MESSAGE FROM THE HOUSE**

The House announced the appointment of Reps. Schwartz and Henry to replace Reps. Macheers and Ballard as conferees on **S Sub HB 2135**.

On motion of Senator Bruce, the Senate adjourned until 10:00 am., Thursday, June 4, 2015.

# Journal of the Senate

EIGHTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, June 4, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 38 senators present.  
Senators Arpke and Love were excused.  
Invocation by Reverend Cecil T. Washington:

Gracious Father, In the same way that Moses, Your leader got tired...got weary, the leaders here get tired and weary. But Lord, You said, in Galatians 6:9, that we're not to get tired of helping others. Yet and still, we do. It gets tedious in here. At one point, in Exodus 18:18, Moses' father-in law told him he was going to wear himself out trying to carry the weight of all those people. So, Lord, there's a struggle...a tension that exists between the will to keep on going and the desire to just shut it down, rest and say "I'm out of here!" In Exodus 17:12, Moses had gotten weary of holding up his hands in seeking You for success. But some friends showed up, and helped hold him up, until victory for the people was achieved. Lord, even though we get weary IN this work, we're not to weary OF it. You said, in Isaiah 40:31, that they who wait upon You, will have their strength renewed. So, Lord we're looking to You to keep us energized and would You also bless us with some praying friends, to help hold us up? In the precious name of our Savior. Amen and Amen

The Pledge of Allegiance was led by President Susan Wagle.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

## MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **S Sub HB 2281**, and has appointed Representatives Hawkins, Schwab and Ward as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **H Sub SB 270**, and has appointed Representatives Kleeb, Suellentrop and Sawyer 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 bills: **HB 2048; S Sub HB 2177.**

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub SB 270** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed.

MARVIN KLEEB  
 GENE SUELLENTROP  
 TOM SAWYER  
*Conferees on part of House*

LES DONOVAN  
 CARYN TYSON  
 TOM HOLLAND  
*Conferees on part of Senate*

On motion of Senator Donovan the Senate adopted the conference committee report on **H Sub SB 270**, and requested a new conference be appointed.

The President appointed Senators Donovan, Tyson and Holland as a second Conference Committee on the part of the Senate on **H Sub SB 270.**

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2048** 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 pages 2 and 3;

On page 4, by striking all in lines 1 through 33; following line 33 by inserting:

"New Section 1. (a) The attorney general is hereby given jurisdiction and authority over all matters involving the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act including to:

(1) Employ or appoint agents as necessary to implement, administer and enforce the act;

(2) contract;

(3) expend funds;

(4) license and discipline;

(5) investigate;

(6) issue subpoenas;

(7) keep statistics; and

(8) conduct education and outreach programs to promote compliance with the act.

(b) In accordance with the rules and regulations filing act, the attorney general is

hereby authorized to adopt rules and regulations necessary to implement the provisions of the scrap metal theft reduction act.

(c) There is hereby established in the state treasury the scrap metal theft reduction fee fund to be administered by the attorney general. All moneys received by the attorney general from fees, charges or penalties collected under the provisions of the scrap metal theft reduction act 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 thereof in the state treasury to the credit of the scrap metal theft reduction fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee. All moneys credited to the scrap metal theft reduction fee fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(d) Before July 1, 2016, the attorney general shall establish and maintain a database which shall be a central repository for the information required to be provided under K.S.A. 2014 Supp. 50-6,110, and amendments thereto. The database shall be maintained for the purpose of providing information to law enforcement and for any other purpose deemed necessary by the attorney general to implement and enforce the provisions of the scrap metal theft reduction act.

(e) The information required by K.S.A. 2014 Supp. 50-6,110, and amendments thereto, maintained in such database by the attorney general, or by any entity contracting with the attorney general, submitted to, maintained or stored as part of the system shall:

(1) Be confidential, shall only be used for investigatory, evidentiary or analysis purposes related to criminal violations of city, state or federal law and shall only be released to law enforcement in response to an official investigation or as permitted in subsection (d); and

(2) not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2020, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.

New Sec. 2. (a) If, by the attorney general's own inquiries or as a result of complaints, the attorney general has reason to believe that a person has engaged in, is engaging in or is about to engage in an act or practice that violates the scrap metal theft reduction act, the attorney general, or any deputy attorney general or assistant attorney general may administer oaths and affirmations, subpoena witnesses or matter and collect evidence.

(b) If the matter that the attorney general subpoenas is located outside this state, the person subpoenaed may either make it available to the attorney general at a convenient location within the state or pay the reasonable and necessary expenses for the attorney general or the attorney general's designee to examine the matter at the place where it is located. The attorney general may designate representatives, including officials of the state in which the matter is located, to inspect the matter on the attorney general's behalf, and the attorney general may respond to similar requests from officials of other states.

(c) Service by the attorney general of any notice requiring a person to file a

statement or report, or of a subpoena upon any person, shall be made by:

(1) The mailing thereof by certified mail to the last known place of business, residence or abode within or without this state; or

(2) in the manner provided in the code of civil procedure as if a petition had been filed.

(d) The attorney general may request that an individual who refuses to comply with a subpoena, on the ground that the testimony or matter may incriminate the individual, be ordered by the court to provide the testimony or matter. Except in a prosecution for perjury, an individual who complies with a court order to provide testimony or matter after asserting a privilege against self-incrimination to which the individual is entitled by law, may not be subjected to a criminal proceeding or to a civil penalty to the transaction concerning which the individual is required to testify or produce relevant matter.

(e) If any person willfully fails or refuses to file any statement or report required by the scrap metal theft reduction act, or obey any subpoena issued by the attorney general, the attorney general may, after notice, apply to the district court and, after a hearing thereon, the district court may issue an order:

(1) Granting injunctive relief restraining the sale or advertisement of any services or merchandise by such persons;

(2) vacating, annulling or suspending the corporate charter of a corporation created by or under the laws of this state or revoking or suspending the certificate of authority to do business in this state of a foreign corporation or revoking or suspending any other licenses, permits or certificates issued pursuant to law to the person, which are used to further the allegedly unlawful practice; or

(3) granting such other relief as may be required, until the person files the statement or report, or obeys the subpoena.

New Sec. 3. (a) Any scrap metal dealer who violates any of the provisions of the scrap metal theft reduction act, in addition to any other penalty provided by law, may incur a civil penalty imposed pursuant to subsection (b) in an amount not less than \$100 nor more than \$5,000 for each violation.

(b) The attorney general, upon a finding that a scrap metal dealer or any employee or agent thereof or any person or entity required to be registered as a scrap metal dealer has violated any of the provisions of the scrap metal theft reduction act may impose a civil penalty as provided in this subsection upon such scrap metal dealer.

(c) A civil penalty shall not be imposed pursuant to this section except upon the written order of the attorney general to the scrap metal dealer who is responsible for the violation. Such order is a final order for purposes of judicial review and shall state the violation, the penalty to be imposed and the right of such dealer to appeal as provided in the Kansas judicial review act.

(d) This section shall take effect on and after January 1, 2016.

New Sec. 4. (a) The attorney general may bring a civil action to:

(1) Obtain a declaratory judgment that an act or practice violates the scrap metal theft reduction act;

(2) enjoin, or to obtain a restraining order against any person who has violated, is violating, or is otherwise likely to violate the scrap metal theft reduction act;

(3) recover reasonable expenses and investigation fees; or

(4) impose any civil penalty authorized by the scrap metal theft reduction act.

(b) In lieu of investigating or continuing an action or proceeding, the attorney general may accept a consent judgment with respect to any act or practice declared to be a violation of the scrap metal theft reduction act. Before any consent judgment entered into pursuant to this section shall be effective, it must be approved by the district court and an entry made thereof in the manner required for making an entry of judgment. Once such approval is received, any breach of the conditions of such consent judgment shall be treated as a violation of a court order, and shall be subject to all the penalties provided by law.

(c) In any action brought by the attorney general, the court may, without requiring bond of the attorney general:

(1) Make such orders or judgments as may be necessary to prevent the use or employment by a person of any practice declared to be a violation of the scrap metal theft reduction act;

(2) issue a temporary restraining order or enjoin any person from violating the scrap metal theft reduction act;

(3) award reasonable expenses and investigation fees, civil penalties and costs; and

(4) grant other appropriate relief.

(d) The commission of any act or practice declared to be a violation of the scrap metal theft reduction act shall render the violator liable to the state for the payment of a civil penalty, recoverable in an action brought by the attorney general, in a sum of not more than \$5,000 for each violation.

(e) Any person who willfully violates the terms of any court order issued pursuant to the scrap metal theft reduction act shall forfeit and pay a civil penalty of not more than \$10,000 per violation, in addition to other penalties that may be imposed by the court, as the court shall deem necessary and proper. For the purposes of this section, the district court issuing an order shall retain jurisdiction, and in such cases, the attorney general, acting in the name of the state may petition for recovery of civil penalties.

(f) Any act or practice declared to be a violation of the scrap metal theft reduction act which is continuing in nature shall be deemed a separate violation each day such act or practice exists.

(g) This section shall take effect on and after January 1, 2016.

New Sec. 5. (a) Any person, whether or not a resident or citizen of this state, who in person or through an agent or an instrumentality, engages in business as a scrap metal dealer as defined in the scrap metal theft reduction act, thereby submits the person to the jurisdiction of the courts of this state as to any cause of action arising from such business.

(b) Every administrative or civil action pursuant to the scrap metal theft reduction act shall be brought in the district court of Shawnee county or in any other district where venue is otherwise authorized by law.

New Sec. 6. (a) A municipality shall not enact or enforce any ordinance, resolution or regulation relating to the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act.

(b) Any ordinance, resolution or regulation prohibited by subsection (a) that was adopted prior to July 1, 2015, shall be null and void.

(c) No action shall be commenced or prosecuted against any individual for a violation of any ordinance, resolution or regulation that is prohibited by subsection (a) and which was adopted prior to July 1, 2015, if such violation occurred on or after July

1, 2014.

(d) As used in this section, "municipality" has the same meaning as defined in K.S.A. 75-6102, and amendments thereto.

New Sec. 7. (a) At any preliminary examination pursuant to K.S.A. 22-2902, and amendments thereto, in which the details of each sale or transaction required to be maintained by scrap metal dealers pursuant to K.S.A. 2014 Supp. 50-6,110, and amendments thereto, are to be introduced as evidence, the business records of such sale or transaction shall be admissible in to evidence in the preliminary examination in the same manner and with the same force and effect as if the individuals who made the record, and the records custodian who keeps the record, had testified in person.

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

Sec. 8. K.S.A. 2014 Supp. 21-5804 is hereby amended to read as follows: 21-5804.

(a) In any prosecution under K.S.A. 2014 Supp. 21-5801 through 21-5839, and amendments thereto, the following shall be prima facie evidence of intent to permanently deprive the owner or lessor of property of the possession, use or benefit thereof:

(1) The giving of a false identification or fictitious name, address or place of employment at the time of ~~obtaining~~ buying, selling, leasing, trading, gathering, collecting, soliciting, procuring, receiving, dealing or otherwise obtaining or exerting control over the property;

(2) the failure of a person who leases or rents personal property to return the same within 10 days after the date set forth in the lease or rental agreement for the return of the property, if notice is given to the person renting or leasing the property to return the property within seven days after receipt of the notice, in which case the subsequent return of the property within the seven-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section;

(3) destroying, breaking or opening a lock, chain, key switch, enclosure or other device used to secure the property in order to obtain control over the property;

(4) destruction of or substantially damaging or altering the property so as to make the property unusable or unrecognizable in order to obtain control over the property;

(5) the failure of a person who leases or rents from a commercial renter a motor vehicle under a written agreement that provides for the return of the motor vehicle to a particular place at a particular time, if notice has been given to the person renting or leasing the motor vehicle to return such vehicle within three calendar days from the date of the receipt or refusal of the demand. In addition, if such vehicle has not been returned after demand, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles;

(6) the failure of a person who is provided with a use of a vehicle by the owner of the vehicle to return it to the owner pursuant to a written instruction specifying: (A) The time and place to return the vehicle; and (B) that failure to comply may be prosecuted as theft, and such instructions are delivered to the person by the owner at the time the person is provided with possession of the vehicle. In addition, if such vehicle has not been returned pursuant to the specifications in such instructions, the owner may notify the local law enforcement agency of the failure of the person to return such motor

vehicle and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles;

(7) removing a theft detection device, without authority, from merchandise or disabling such device prior to purchase; or

(8) under the provisions of ~~subsection (a)(5) of K.S.A. 2014 Supp. 21-5801(a)(5)~~, and amendments thereto, the failure to replace or reattach the nozzle and hose of the pump used for the dispensing of motor fuels or placing such nozzle and hose on the ground or pavement.

(b) In any prosecution for a misdemeanor under K.S.A. 2014 Supp. 21-5801, and amendments thereto, in which the object of the alleged theft is a book or other material borrowed from a library, it shall be prima facie evidence of intent to permanently deprive the owner of the possession, use or benefit thereof if the defendant failed to return such book or material within 30 days after receiving notice from the library requesting its return, in which case the subsequent return of the book or material within the 30-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section.

(c) In a prosecution for theft as defined in K.S.A. 2014 Supp. 21-5801, and amendments thereto, and such theft is of services, the existence of any of the connections of meters, alterations or use of unauthorized or unmeasured electricity, natural gas, water, telephone service or cable television service, caused by tampering, shall be prima facie evidence of intent to commit theft of services by the person or persons using or receiving the direct benefits from the use of the electricity, natural gas, water, telephone service or cable television service passing through such connections or meters, or using the electricity, natural gas, water, telephone service or cable television service which has not been authorized or measured.

(d) In a prosecution for theft as defined in K.S.A. 2014 Supp. 21-5801, and amendments thereto, and such theft is of regulated scrap metal as defined in K.S.A. 2014 Supp. 50-6,109, and amendments thereto, either in whole or in part, the failure to give information or the giving of false information to a scrap metal dealer pursuant to the requirements of the scrap metal theft reduction act, the transportation of regulated scrap metal outside the county from where it was obtained, the transportation of regulated scrap metal across state lines or the alteration of any regulated scrap metal prior to any transaction with a scrap metal dealer shall be prima facie evidence of intent to permanently deprive the owner of the regulated scrap metal of the possession, use or benefit thereof.

~~(d)~~(e) As used in this section:

(1) "Notice" means notice in writing and such notice in writing will be presumed to have been given three days following deposit of the notice as registered or certified matter in the United States mail, addressed to such person who has leased or rented the personal property or borrowed the library material at the address as it appears in the information supplied by such person at the time of such leasing, renting or borrowing, or to such person's last known address; and

(2) "tampering" includes, but is not limited to:

(A) Making a connection of any wire, conduit or device, to any service or transmission line owned by a public or municipal utility, or by a cable television service provider;

(B) defacing, puncturing, removing, reversing or altering any meter or any

connections, for the purpose of securing unauthorized or unmeasured electricity, natural gas, water, telephone service or cable television service;

(C) preventing any such meters from properly measuring or registering;

(D) knowingly taking, receiving, using or converting to such person's own use, or the use of another, any electricity, water or natural gas which has not been measured; or any telephone or cable television service which has not been authorized; or

(E) causing, procuring, permitting, aiding or abetting any person to do any of the preceding acts.

Sec. 9. K.S.A. 2014 Supp. 21-5813 is hereby amended to read as follows: 21-5813.

(a) Criminal damage to property is by means other than by fire or explosive:

(1) Knowingly damaging, destroying, defacing or substantially impairing the use of any property in which another has an interest without the consent of such other person; or

(2) damaging, destroying, defacing or substantially impairing the use of any property with intent to injure or defraud an insurer or lienholder.

(b) Aggravated criminal damage to property is criminal damage to property as defined in subsection (a)(1), if the value or amount of damage exceeds \$5,000, committed with the intent to obtain any regulated scrap metal as defined in K.S.A. 2014 Supp. 50-6.109, and amendments thereto, or any items listed in K.S.A. 2014 Supp. 50-6.111(d), and amendments thereto, upon:

(1) Any building, structure, personal property or place used primarily for worship or any religious purpose;

(2) any building, structure or place used as a school or as an educational facility;

(3) any building, structure or place used by a non-profit or charitable business, corporation, firm, service or association;

(4) any grave, cemetery, mortuary or personal property of the cemetery or mortuary or other facility used for the purpose of burial or memorializing the dead;

(5) any agricultural property or agricultural infrastructure;

(6) any construction, mining or recycling facility, structure or site;

(7) any utility, utility service, telecommunication, telecommunication service, cable or video service facility, property, building, structure, site or component thereof;

(8) any municipal, county or state building, structure, site or property;

(9) any residential, commercial, industrial or agricultural irrigation, sprinkler or watering system or component thereof;

(10) the infrastructure of any residence, building or structure;

(11) any historical marker, plaque or work of art;

(12) any vehicle or transportation building, facility, structure, site or property; or

(13) any other building, structure, residence, facility, site, place, property, vehicle or any infrastructure thereof.

~~(b)~~(c) Criminal damage to property if the property:

(1) Is damaged to the extent of \$25,000 or more is a severity level 7, nonperson felony;

(2) is damaged to the extent of at least \$1,000 but less than \$25,000 is a severity level 9, nonperson felony; and

(3) damaged is of the value of less than \$1,000 or is of the value of \$1,000 or more and is damaged to the extent of less than \$1,000 is a class B nonperson misdemeanor.

(d) Aggravated criminal damage to property is a severity level 6, nonperson felony.

(e)(1) As used in subsection (b):

(A) "Infrastructure" includes any fixture to, attachment upon or part of a residence, building or structure's framework, electrical wiring and appurtenances, plumbing or heating and air systems; and

(B) "site" includes any area, place or location set aside for specific use or uses, including, but not limited to, storage, staging, repair, sorting, transportation, planning or organization.

(2) Any of the items or locations listed in subsection (b) shall include the curtilage, adjoining land and any improvements thereupon.

(3) Nothing in subsection (b) shall be construed to require the:

(A) Construction or existence of any door, gate, fence, barrier or wall; or

(B) existence of notice, postings or signs to potential trespassers.

(f) In determining the amount of damage to property, damages may include the cost of repair or replacement of the property that was damaged, the reasonable cost of the loss of production, crops and livestock, reasonable labor costs of any kind, reasonable material costs of any kind and any reasonable costs that are attributed to equipment that is used to abate or repair the damage to the property.

Sec. 10. K.S.A. 2014 Supp. 21-6604 is hereby amended to read as follows: 21-6604. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense and may impose the provisions of subsection (q);

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567, 8-2,144 and K.S.A. 2014 Supp. 8-1025, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence;

(4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 2014 Supp. 21-6609, and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by ~~subsection (e)~~ of K.S.A. 2014 Supp. 21-6602(c), and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime

stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape from custody or aggravated escape from custody, as defined in K.S.A. 2014 Supp. 21-5911, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire which has been determined to be arson or aggravated arson as defined in K.S.A. 2014 Supp. 21-5812, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court;

(10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 20-369, and amendments thereto;

(11) if the defendant is convicted of a misdemeanor or convicted of a felony specified in ~~subsection (i)~~ of K.S.A. 2014 Supp. 21-6804(i), and amendments thereto, assign the defendant to work release program, other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto, provided such work release program requires such defendant to return to confinement at the end of each day in the work release program. On a second or subsequent conviction of K.S.A. 8-1567, and amendments thereto, an offender placed into a work release program shall serve the total number of hours of confinement mandated by that section;

(12) order the defendant to pay the full amount of unpaid costs associated with the conditions of release of the appearance bond under K.S.A. 22-2802, and amendments thereto;

(13) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12); or

(14) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. In regard to a violation of K.S.A. 2014 Supp. 21-6107, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. In regard to a violation of K.S.A. 2014 Supp. 21-5801, 21-5807 or 21-5813, and amendments thereto, such damage or loss shall include the cost of repair or replacement

of the property that was damaged, the reasonable cost of any loss of production, crops and livestock, reasonable labor costs of any kind, reasonable material costs of any kind and any reasonable costs that are attributed to equipment that is used to abate or repair the damage to the property. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

(2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719, and amendments thereto, to collect the restitution on behalf of the victim. The chief judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by ~~subsection (d) of~~ K.S.A. 2014 Supp. 21-6602(d), and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(e) In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole, conditional release or postrelease supervision.

(f) (1) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony, a new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 2014 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(2) When a new felony is committed during a period of time during which the defendant would have been on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony had

the defendant not been granted release by the court pursuant to ~~subsection (d)~~ of K.S.A. 2014 Supp. 21-6608(d), and amendments thereto, or the prisoner review board pursuant to K.S.A. 22-3717, and amendments thereto, the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(3) When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671, prior to its repeal, or K.S.A. 2014 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.

(4) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed consecutively pursuant to the provisions of K.S.A. 2014 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and whose offense does not meet the requirements of K.S.A. 2014 Supp. 21-6824, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and whose offense does not meet the requirements of K.S.A. 2014 Supp. 21-6824, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, the court shall consider placement of the

defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendments thereto, or a community intermediate sanction center. Pursuant to this subsection the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or community intermediate sanction center and the defendant meets all of the conservation camp's or community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or community intermediate sanction center.

(h) In committing a defendant to the custody of the secretary of corrections, the court shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose any other civil penalty as a result of conviction of crime.

(k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(l) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate:

(1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, or for an offense which is classified in grid blocks 4-E or 4-F of the

sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and such offense does not meet the requirements of K.S.A. 2014 Supp. 21-6824, and amendments thereto; and

(2) otherwise meets admission criteria of the camp.

If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 2014 Supp. 21-6608, and amendments thereto.

(m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

(n) (1) Except as provided by ~~subsection (f)~~ of K.S.A. 2014 Supp. ~~21-6630~~ and 21-6805~~(f)~~, and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2014 Supp. 21-5706, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 2014 Supp. 21-6824, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2014 Supp. 75-52,144, and amendments thereto, including, but not limited to, an approved after-care plan. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.

(2) If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the defendant's refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to sanction or revocation pursuant to the provisions of K.S.A. 22-3716, and amendments thereto. If the defendant's probation is revoked, the defendant shall serve the underlying prison sentence as established in K.S.A. 2014 Supp. 21-6805, and amendments thereto.

(A) Except as provided in subsection (n)(2)(B), for those offenders who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon completion of the underlying prison sentence, the offender shall not be subject to a period of postrelease supervision.

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

(o) (1) Except as provided in paragraph (3), in addition to any other penalty or disposition imposed by law, upon a conviction for unlawful possession of a controlled substance or controlled substance analog in violation of K.S.A. 2014 Supp. 21-5706, and amendments thereto, in which the trier of fact makes a finding that the unlawful possession occurred while transporting the controlled substance or controlled substance analog in any vehicle upon a highway or street, the offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state shall be suspended for one year.

(2) Upon suspension of a license pursuant to this subsection, the court shall require the person to surrender the license to the court, which shall transmit the license to the

division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.

(3) (A) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person as provided in paragraph (1), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year.

(B) Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this paragraph a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this paragraph.

(C) Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this paragraph, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

(4) As used in this subsection, "highway" and "street" mean the same as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

(p) In addition to any of the above, for any criminal offense that includes the domestic violence designation pursuant to K.S.A. 2014 Supp. 22-4616, and amendments thereto, the court shall require the defendant to: (1) Undergo a domestic violence offender assessment conducted by a certified batterer intervention program; and (2) follow all recommendations made by such program, unless otherwise ordered by the court or the department of corrections. The court may order a domestic violence

offender assessment and any other evaluation prior to sentencing if the assessment or evaluation would assist the court in determining an appropriate sentence. The entity completing the assessment or evaluation shall provide the assessment or evaluation and recommendations to the court and the court shall provide the domestic violence offender assessment to any entity responsible for supervising such defendant. A defendant ordered to undergo a domestic violence offender assessment shall be required to pay for the assessment and, unless otherwise ordered by the court or the department of corrections, for completion of all recommendations.

(q) In imposing a fine, the court may authorize the payment thereof in installments. In lieu of payment of any fine imposed, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed by the later of one year after the fine is imposed or one year after release from imprisonment or jail, or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance shall become due on that date. If conditional reduction of any fine is rescinded by the court for any reason, then pursuant to the court's order the person may be ordered to perform community service by one year after the date of such rescission or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date. All credits for community service shall be subject to review and approval by the court.

(r) In addition to any other penalty or disposition imposed by law, for any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2014 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the court shall order that the defendant be electronically monitored upon release from imprisonment for the duration of the defendant's natural life and that the defendant shall reimburse the state for all or part of the cost of such monitoring as determined by the prisoner review board.

(s) Whenever the court has released the defendant on probation pursuant to subsection (a)(3), the defendant's supervising court services officer, with the concurrence of the chief court services officer, may impose the violation sanctions as provided in ~~subsection (e)(1)(B) of K.S.A. 22-3716(c)(1)(B)~~, and amendments thereto, without further order of the court, unless:

- (1) The court has specifically withheld this authority in its sentencing order; or
- (2) the defendant, after being apprised of the right to a revocation hearing before the court pursuant to ~~subsection (b) of K.S.A. 22-3716(b)~~, and amendments thereto, refuses to waive such right.

(t) Whenever the court has assigned the defendant to a community correctional services program pursuant to subsection (a)(4), the defendant's community corrections officer, with the concurrence of the community corrections director, may impose the violation sanctions as provided in ~~subsection (e)(1)(B) of K.S.A. 22-3716(c)(1)(B)~~, and amendments thereto, without further order of the court unless:

- (1) The court has specifically withheld this authority in its sentencing order; or
- (2) the defendant, after being apprised of the right to a revocation hearing before

the court pursuant to ~~subsection (b)~~ of K.S.A. 22-3716**(b)**, and amendments thereto, refuses to waive such right.

Sec. 11. K.S.A. 2014 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	A	B	C	D	E	F	G	H	I
Severity Level	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	245 234 221	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 83	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	47 44 41	44 41 38	43 41 38	38 36 34	34 33 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	25 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Probation
Presumptive Imprisonment

(b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony

conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

(A) Prison sentence;

(B) maximum potential reduction to such sentence as a result of good time; and

(C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

(A) Prison sentence; and

(B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of ~~subsection (d) of K.S.A. 2014 Supp. 21-5412(d)~~, 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. 2014 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, ~~subsection (b)(3) of K.S.A. 2014 Supp. 21-5414(b)(3), subsections (b)(3) and (b)(4) of K.S.A. 2014 Supp. 21-5823(b)(3) and (b)(4)~~, K.S.A. 2014 Supp. 21-6412 and K.S.A. 2014 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. 2014 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. 2014 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. 2014 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. 2014 Supp. 8-1025, K.S.A.

8-2,144, K.S.A. 8-1567, ~~subsection (b)(3) of K.S.A. 2014 Supp. 21-5414(b)(3), subsections (b)(3) and (b)(4) of K.S.A. 2014 Supp. 21-5823(b)(3) and (b)(4), K.S.A. 2014 Supp. 21-6412 and K.S.A. 2014 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. 2014 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. 2014 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. 2014 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. 2014 Supp. 21-5807(a)(1), and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2014 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(a) or (b), prior to its repeal, 21-3716, prior to its repeal, subsection (a)(1) or (a)(2) of K.S.A. 2014 Supp. 21-5807(a)(1) or (a)(2), or subsection (b) of K.S.A. 2014 Supp. 21-5807(b), 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. 2014 Supp. 21-5913(a)(2), 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. 2014 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(b), prior to its repeal, or of criminal deprivation of property, as defined in K.S.A. 2014 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. 2014 Supp. 21-5801, and amendments thereto, or burglary as defined in ~~subsection (a) of K.S.A. 2014 Supp. 21-5807(a), 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. 2014 Supp. 21-5801, and amendments thereto, or burglary as defined in subsection (a) of K.S.A. 2014 Supp. 21-5807(a), and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. 2014 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. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 Supp. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in subsection (a) of K.S.A. 2014 Supp. 21-5807(a), 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. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014~~

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. 2014 Supp. 21-6824(f)(1), 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. 2014 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. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 Supp. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5807(a), 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. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 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. 2014 Supp. 21-5413(c)(2)~~, 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. 2014 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. 2014 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2014 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. 2014 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.

(v) The sentence for a third or subsequent violation of K.S.A. 8-1568, 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.

(w) The sentence for aggravated criminal damage to property as defined in K.S.A. 2014 Supp. 21-5813(b), and amendments thereto, when such person being sentenced has a prior conviction for any nonperson felony shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

Sec. 12. K.S.A. 2014 Supp. 50-6,109 is hereby amended to read as follows: 50-6,109. ~~(a) As used in K.S.A. 2014 Supp. 50-6,112a through 50-6,112c, and amendments thereto, and K.S.A. 2014 Supp. 50-6,109 through 50-6,112 50-6,112c, section 1, section~~

2, section 3, section 4, section 5 and section 6, and amendments thereto, shall be known and may be cited as the scrap metal theft reduction act.

(b) As used in the scrap metal theft reduction act:

(a) (1) "Scrap metal dealer" means any person, individual, firm, company, partnership, association or corporation that operates a business out of a fixed location, and that is also either:

(1) Engaged in the business of buying and dealing in regulated scrap metal;

(2) purchasing, gathering, collecting, soliciting or procuring regulated scrap metal;

or

(3) operating, carrying on, conducting or maintaining a regulated scrap metal yard or place where regulated scrap metal is gathered together and stored or kept for shipment, sale or transfer that is engaged in the business of buying, trading or dealing in regulated scrap metal for the purpose of sale for recycling.

(b) "Regulated scrap metal yard" means any yard, plot, space, enclosure, building or any other place where regulated scrap metal is collected, gathered together and stored or kept for shipment, sale or transfer.

(c) (2) "Regulated scrap metal" shall mean wire, cable, bars, ingots, wire scraps, pieces, pellets, clamps, aircraft parts, junk vehicles, vehicle parts, pipes or connectors made from aluminum; catalytic converters containing platinum, palladium or rhodium; and copper, titanium, tungsten, stainless steel and nickel in any form; for which the purchase price described in K.S.A. 2014 Supp. 50-6,110 and 50-6,111, and amendments thereto, was primarily based on the content therein of aluminum, copper, titanium, tungsten, nickel, platinum, palladium, stainless steel or rhodium; any item composed in whole or in part of any nonferrous metal other than an item composed of tin, that is purchased or otherwise acquired for the purpose of recycling or storage for later recycling. Aluminum shall not include food or beverage containers means any item, in any form, for which the purchase price described in K.S.A. 2014 Supp. 50-6,110 and 50-6,111, and amendments thereto, was primarily based on the content of:

(A) Aluminum, except that aluminum shall not include food or beverage containers;

(B) copper;

(C) brass;

(D) bronze;

(E) stainless steel;

(F) zinc;

(G) titanium;

(H) tungsten;

(I) nickel;

(J) platinum;

(K) palladium;

(L) rhodium;

(M) magnesium;

(N) lead;

(O) any other nonferrous metal; or

(P) any combination of nonferrous metals listed in subsections (b)(2)(A) through

(b)(2)(P).

(d) (3) "Bales of regulated metal" means regulated scrap metal property processed

with professional recycling equipment by compression, shearing or shredding, to a form in which it may be sold by a scrap metal dealer consistent with industry standards.

~~(e) "Ferrous metal" means a metal that contains iron or steel.~~

~~(f)(4) "Junk vehicle" means a vehicle as defined in K.S.A. 8-126, and amendments thereto, not requiring a title as provided in chapter 8 of the Kansas Statutes Annotated, and amendments thereto, an aircraft, or a boat, farming implement, industrial equipment, trailer or any other conveyance used on the highways and roadways, which has no use or resale value except as scrap which is being sold for scrap value.~~

~~(g)(5) "Nonferrous metal" means a metal that does not contain iron or steel, including but not limited to: Copper, brass, aluminum, bronze, lead, zinc, nickel and their alloys.~~

~~(h) "Tin" means a metal consisting predominantly of light sheet metal ferrous scrap, including large and small household appliances, construction siding and construction roofing.~~

~~(i)(6) "Vehicle part" means the front clip consisting of the two front fenders, hood, grill and front bumper of an automobile assembled as one unit; or the rear clip consisting of those body parts behind the rear edge of the back doors, including both rear quarter panels, the rear window, trunk lid, trunk floor panel and rear bumper, assembled as one unit; or any other vehicle part.~~

~~(7) "Person" means any individual, scrap metal dealer, manager or employee, owner, operator, corporation, partnership or association.~~

~~(8) "Attorney general" means the attorney general of the state of Kansas or the attorney general's designee.~~

Sec. 13. K.S.A. 2014 Supp. 50-6,110 is hereby amended to read as follows: 50-6,110. (a) ~~Except as provided in subsection (d),~~ It shall be unlawful for any person to sell any item or items of regulated scrap metal to a scrap metal dealer, or employee or agent of a dealer, in this state unless such person meets the requirements of this subsection.

~~(1) Such person shall presents present~~ to such scrap metal dealer, or employee or agent of such dealer, at or before the time of sale, the following ~~information~~: The seller's name, address, sex, date of birth and ~~the identifying number from~~ the seller's driver's license, military identification card, passport or personal identification license. ~~The identifying number from~~ An official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller.

~~(2) Such person shall complete and sign the statement provided for in subsection (b)(10).~~

(b) Every scrap metal dealer shall keep a register in which the dealer, or employee or agent of the dealer, shall at the time of purchase or receipt of any item for which such information is required to be presented, cross-reference to previously received information, or accurately and legibly record at the time of sale the following information:

(1) The time, date and place of transaction;

(2) the seller's name, address, sex, date of birth and the identifying number from the seller's driver's license, military identification card, passport or personal identification license; the identifying number from an official governmental document for a country other than the United States may be used to meet this requirement provided that a

legible fingerprint is also obtained from the seller;

(3) a copy of the identification card or document containing such identifying number;

(4) the license number, color and style or make of any motor vehicle in which the junk vehicle or other regulated scrap metal property is delivered in a purchase transaction;

(5) a general description, made in accordance with the custom of the trade, of the predominant types of junk vehicle or other regulated scrap metal property purchased in the transaction;

(6) the weight, quantity or volume, made in accordance with the custom of the trade, of the regulated scrap metal property purchased;

(7) if a junk vehicle or vehicle part is being bought or sold, a description of the junk vehicle or vehicle part, including the make, model, color, vehicle identification number and serial number if applicable;

(8) ~~the amount of consideration given in a purchase price paid for, traded for or dealt for in~~ a transaction for the junk vehicle or other regulated scrap metal property; ~~and~~

(9) the full name of the individual acting on behalf of the regulated scrap metal dealer in making the purchase; and

(10) a signed statement from the seller indicating from where the property was obtained and that: (A) Each item is the seller's own personal property, is free of encumbrances and is not stolen; or (B) the seller is acting for the owner and has permission to sell each item. If the seller is not the owner, such statement shall include the name and address of the owner of the property.

(c) Every scrap metal dealer shall photograph both the seller and the item or lot of items being sold at the time of purchase or receipt of any item for which such information is required to be presented. Such photographs shall be kept with the record of the transaction and the scrap metal dealer's register of information required by subsection (b).

~~(d)~~ (d) The scrap metal dealer's register of information required by subsection (b), including copies of identification cards and signed statements by sellers, and photographs required by subsection (c) may be kept in electronic format.

(e) Every scrap metal dealer shall forward the information required by this section to the database described in section 1, and amendments thereto.

~~(d)~~ Notwithstanding the foregoing, this section shall not apply to:

~~(1)~~ Transactions involving regulated scrap metal, except for catalytic converters, for which the total sale price for all regulated scrap metal is \$50.00 or less;

~~(2)~~ transactions involving only catalytic converters for which the total sale price is \$30.00 or less;

~~(3)~~ transactions in which the seller is also a scrap metal dealer; or

~~(4)~~ transactions for which the seller is known to the purchasing scrap metal dealer to be an established business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.

~~(e)~~ The exceptions contained in subsections (d)(1) and (d)(2) shall not apply to any purchase from any seller of the following materials:

~~(1)~~ Catalytic converters purchased separate from a vehicle;

~~(2)~~ coated or insulated wire or stripped wire or burnt wire;

~~(3) refrigeration condensing units or air conditioning coils of any type; or~~

~~(4) copper tubing, bars, plate, buss bar and sheet copper.~~

~~(f) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to pay for any of the items described in subsections (c)(1) through (4) by any means other than:~~

~~(1) A prenumbered check drawn on a regular bank account in the name of the scrap metal dealer and with such check made payable to the person documented as the seller in accordance with subsection (b); or~~

~~(2) a system for automated cash or electronic payment distribution which photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with subsection (b).~~

~~(f) Notwithstanding any other provision to the contrary, this section shall not apply to transactions in which the seller is a:~~

~~(1) Registered scrap metal dealer;~~

~~(2) vehicle dealer licensed under chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or~~

~~(3) scrap metal dealer or vehicle dealer registered or licensed in another state.~~

~~(g) (1) Except as provided in subsection (g)(2), this section shall not apply to transactions in which the seller is known to the purchasing scrap metal dealer to be a licensed business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.~~

~~(2) The attorney general may determine, by rules and regulations, which of the requirements of this section shall apply to transactions described in subsection (g)(1).~~

Sec. 14. K.S.A. 2014 Supp. 50-6,111 is hereby amended to read as follows: 50-6,111. (a) It shall be unlawful for any such scrap metal dealer, or employee or agent of the dealer, to purchase any item or items of regulated scrap metal in a transaction for which K.S.A. 2014 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without demanding and receiving from the seller that information. Every scrap metal dealer shall file and maintain a record of information obtained in compliance with the requirements in K.S.A. 2014 Supp. 50-6,110, and amendments thereto. All records kept in accordance with the provisions of this the scrap metal theft reduction act shall be open at all times to ~~peace or~~ law enforcement officers and shall be kept for two years. If the required information is maintained in electronic format, the scrap metal dealer shall provide a printout of the information to ~~peace or~~ law enforcement officers upon request.

~~(b) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any item or items of regulated scrap metal in a transaction for which K.S.A. 2014 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without obtaining from the seller a signed statement that: (1) Each item is the seller's own personal property, is free of encumbrances and is not stolen; or (2) that the seller is acting for the owner and has permission to sell each item.~~

~~(e)(b) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any junk vehicle in a transaction for which K.S.A. 2014 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without:~~

~~(1) Inspecting the vehicle offered for sale and recording the vehicle identification number; and~~

(2) obtaining an appropriate ~~vehicle title or~~ bill of sale issued by a governmentally operated vehicle impound facility if the vehicle purchased has been impounded by such facility or agency.

~~(d)-(c)~~ It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase or receive any regulated scrap metal from a minor unless such minor is accompanied by a parent or guardian or such minor is a licensed scrap metal dealer.

~~(e)-(d)~~ It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any of the following items ~~of regulated scrap metal property~~ without obtaining proof that the seller is an employee, agent or person who is authorized to sell the item ~~of regulated scrap metal property~~ on behalf of the governmental entity; utility provider; railroad; cemetery; civic organization; manufacturing, industrial or other commercial vendor that generates or sells such items in the regular course of business; or scrap metal dealer:

- (1) Utility access cover;
- (2) street light poles or fixtures;
- (3) road or bridge guard rails;
- (4) highway or street sign;
- (5) water meter cover;
- (6) traffic directional or traffic control signs;
- (7) traffic light signals;
- (8) any metal marked with any form of the name or initials of a governmental entity;
- (9) property owned and marked by a telephone, cable, electric, water or other utility provider;
- (10) property owned and marked by a railroad;
- (11) funeral markers or vases;
- (12) historical markers;
- (13) bales of regulated metal;
- (14) beer kegs;
- (15) manhole covers;
- (16) fire hydrants or fire hydrant caps;
- (17) junk vehicles with missing or altered vehicle identification numbers;
- (18) real estate signs;
- (19) bleachers or risers, in whole or in part; ~~and~~
- (20) twisted pair copper telecommunications wiring of 25 pair or greater existing in 19, 22, 24 or 26 gauge; and
- (21) burnt wire.

~~(f)-(e)~~ It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to sell, trade, melt or crush, or in any way dispose of, alter or destroy any regulated scrap metal, junk vehicle or vehicle part upon notice from any law enforcement agency, or any of their agents or employees, that they have cause to believe an item has been stolen. A scrap metal dealer shall hold any of the items that are designated by or on behalf of the law enforcement agency for 30 days, exclusive of weekends and holidays.

Sec. 15. K.S.A. 2014 Supp. 50-6,112a is hereby amended to read as follows: 50-6,112a. (a) ~~No business shall~~ A scrap metal dealer shall not purchase any regulated scrap metal without having first registered each place of business with the attorney

~~general as herein provided. In case such place of business is located within the corporate limits of a city, the registration shall be made to the governing body of such city. In all other cases, the registration shall be made to the board of county commissioners in the county in which such place of business is to be located.~~

~~(b) A board of county commissioners shall provide the clerk of the township with written notice of the filing of a registration by a scrap metal dealer within 10 days of registration or renewal.~~

~~(c) The governing body of any city and the board of county commissioners shall provide the sheriff, chief of police or director of all law enforcement agencies in the county written notice of the filing of registration by a scrap metal dealer within 10 days of registration or renewal.~~

(b) The attorney general shall establish a system for the public to confirm scrap metal dealer registration certificates. Such system shall include a listing of valid registration certificates and such other information collected pursuant to the scrap metal theft reduction act, as the attorney general may determine is appropriate. Disclosure of any information through use of the system established by the attorney general shall not be deemed to be an endorsement of any scrap metal dealer or determination of any facts, qualifications, information or reputation of any scrap metal dealer by the attorney general, the state, or any of their respective agents, officers, employees or assigns.

~~(d)-(c)~~ A registration for a scrap metal dealer shall be verified and upon a form approved by the attorney general and contain:

(1)(A) The name and residence of the applicant, including all previous names and aliases; or

(B) if the applicant is a Corporation, the name and address of each manager, officer or director thereof, and each stockholder owning in the aggregate more than 25% of the stock of such corporation; or partnership or limited liability company, the name and address of each partner or member;

(2) the length of time that the applicant has resided within the state of Kansas and a list of all residences outside the state of Kansas during the previous 10 years;

(3) the particular place of business for which a registration is desired, the name of the business, the address where the business is to be conducted, the hours of operation and the days of the week during which the applicant proposes to engage in business;

(4) the name of the owner of the premises upon which the place of business is located; and

(5) the applicant shall disclose any prior convictions within 10 years immediately preceding the date of making the registration for: ~~Theft, as defined in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2014 Supp. 21-5801, and amendments thereto, theft of property lost, mislaid or delivered by mistake, as defined in K.S.A. 21-3703, prior to its repeal, or K.S.A. 2014 Supp. 21-5802, and amendments thereto, theft of services, as defined in K.S.A. 21-3704, prior to its repeal, criminal deprivation of property, as defined in K.S.A. 21-3705, prior to its repeal, or K.S.A. 2014 Supp. 21-5803, and amendments thereto, or any other crime involving possession of stolen property A violation of article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2014 Supp. 21-5801 through 21-5839 or K.S.A. 2014 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2014 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808,~~

prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2014 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2014 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

~~(e)(d)~~ Each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of not less than \$100 nor more than \$400, as prescribed by the board of county commissioners or the governing body of the city, as the case may be \$500 nor more than \$1,500, as prescribed by the attorney general for each particular place of business for which a registration is desired.

~~(f)(e)~~ The board of county commissioners or the governing body of a city attorney general shall accept a registration for a scrap metal dealer as otherwise provided for herein, from any scrap metal dealer engaged in business in such county or city and qualified to file such registration, to purchase regulated scrap metals. Such registration shall be issued for a period of 10 years one year.

~~(g)(f)~~ If an original registration is accepted, the governing body of the city or the board of county commissioners attorney general shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not been revoked as provided by law. The registration fee for such renewal shall be not less than \$25 nor more than \$50 renewal fee shall be not more than \$1,500, as prescribed by the attorney general.

~~(h)(g)~~ No Any registration issued under this the scrap metal theft reduction act shall not be transferable.

~~(i)~~ Violation of subsection (a) is a class A nonperson misdemeanor.

~~(j)(h)~~ This section shall not apply to a business licensed under the provisions of K.S.A. 8-2404, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components.

Sec. 16. On and after January 1, 2016, K.S.A. 2014 Supp. 50-6,112b is hereby amended to read as follows: 50-6,112b. (a) After examining the information contained in a filing for a scrap metal dealer registration and determining the registration meets the statutory requirements for such registration, the governing body of the city or the board of county commissioners attorney general shall accept such filing and the scrap metal dealer shall be deemed to be properly registered.

(b) No scrap metal registration shall be accepted for:

(1) A person who is not a citizen or legal permanent resident of the United States.

(2) A person who is under 18 years of age and whose parents or legal guardians have been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under this the scrap metal theft reduction act.

~~(2)(3)~~ A person who, within five 10 years immediately preceding the date of filing, has pled guilty to, entered into a diversion agreement for, been convicted of, released from incarceration for or released from probation or parole for committing, attempting to commit, or conspiring to commit a violation of; Article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2014 Supp. 21-5801 through 21-5839 and subsection (a)(6) of or K.S.A. 2014 Supp. 21-6412;(a)(6), and amendments

thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2014 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2014 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2014 Supp. 21-5905, and amendments thereto; or any crime involving moral turpitude dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

~~(3) A person who, within the five years immediately preceding the date of registration, has pled guilty to, been found guilty of, or entered a diversion agreement for violating the provisions of K.S.A. 2014 Supp. 50-6,112a, and amendments thereto; K.S.A. 50-6,109 et seq., and amendments thereto, the laws of another state comparable to such provisions or laws of any county or city regulating the sale or purchase of regulated scrap metal three or more times.~~

(4) A person who within the ~~three~~ 10 years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration.

(5) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar filing within the last ~~three~~ 10 years.

(6) A partnership or limited liability company, unless all partners or members of the partnership or limited liability company are otherwise qualified to file a registration.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason.

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration.

(9) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under ~~this~~ the scrap metal theft reduction act.

(10) A person who does not own the premises upon which the place of business is located for which a license is sought, unless the person has a written lease for at least <sup>3</sup>/<sub>4</sub> of the period for which the license is to be issued.

(c) Any person filing a scrap metal dealer registration may be subject to a criminal history records check and may be given a written notice that a criminal history records check is required. The attorney general may require such applicant to be fingerprinted and submit to a state and national criminal history record check. If required, such fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The attorney general shall submit any fingerprints provided to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the attorney general in the taking and processing of fingerprints of applicants. The attorney general may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the applicant and in the official

determination of whether the scrap metal dealer registration shall be accepted. If the criminal history record information is used to disqualify an applicant, the applicant shall be informed in writing of that decision.

Sec. 17. On and after January 1, 2016, K.S.A. 2014 Supp. 50-6,112c is hereby amended to read as follows: 50-6,112c. (a) ~~The board of county commissioners or the governing body of any city~~ attorney general, upon five days notice to the persons holding a registration, may suspend the scrap metal dealer's registration for up to 30 days for any one of the following reasons:

(1) ~~The registrant has been convicted of violating~~ found to have violated any of the provisions of ~~K.S.A. 50-6,109 et seq., and amendments thereto~~ the scrap metal theft reduction act, or any similar ordinance, resolution or rules or regulations ~~made by the board or the city, as the case may be;~~

(2) ~~the employment or continuation in employment of a person if the registered scrap metal dealer knows such person has, within the 24 months prior to the notice of suspension or revocation action, been convicted of violating~~ found to have violated any of the provisions of ~~K.S.A. 50-6,109 et seq., and amendments thereto~~ the scrap metal theft reduction act, or the laws of another state comparable to such provisions, or any city or county ordinance or resolution, or regulation controlling scrap metal sale or purchase in Kansas or any other state; or

(3) ~~permitting any criminal activity under the Kansas criminal code, or similar ordinance, resolution or rules or regulations made by the board or city, as the case may be, in or upon the registrant's place of business.~~

~~(b)-(c) The board of county commissioners or the governing body of any city~~ attorney general may revoke the registration of a scrap metal dealer who has had its registration suspended three or more times within a 24-month period.

~~(e)-(d) The board of county commissioners or the governing body of any city~~ attorney general, upon five days' notice to the person holding the registration, shall revoke or suspend the registration for any one of the following reasons:

(1) ~~The registrant has fraudulently registered by knowingly giving materially false information on the registration form;~~

(2) ~~the registrant has become ineligible to obtain a registration under~~ this the scrap metal theft reduction act;

(3) ~~the nonpayment of any registration fees after receiving written notice that such registration fees are more than 30 days past due; or~~

~~within 20 days after the order of the board denying, revoking or suspending any registration, the registrant may appeal to the district court and the district court shall proceed to hear such appeal as though the court had original jurisdiction of the matter. Upon request by the registrant, the district court may enjoin the revocation or suspension of a registration until final disposition of any action brought under this act~~ the nonpayment of any civil penalty after receiving written notice that such penalty is more than 30 days past due.

~~(d)-(e) Any action brought under subsections (a), (b) or (e) this section shall be brought individually against a single registrant's~~ site place of business and not against any other ~~scrap metal sites or locations~~ place of business registered by the same individual, company or business entity.

~~(f) Any person aggrieved by the decision of the attorney general to suspend or revoke a registration under this section may appeal such decision in accordance with~~

rules and regulations promulgated by the attorney general to implement the scrap metal theft reduction act.

Sec. 18. K.S.A. 2014 Supp. 21-5804, 21-5813, 21-6604, 21-6604c, 21-6804, 50-6,109, 50-6,110, 50-6,111, 50-6,112 and 50-6,112a are hereby repealed.

Sec. 19. On and after January 1, 2016, K.S.A. 2014 Supp. 50-6,112b and 50-6,112c are hereby repealed.";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "regulated scrap metal; relating to the crimes of theft and criminal damage to property; sentencing; evidence at preliminary examination; regulation of scrap metal dealers; unlawful acts; penalties; creating the scrap metal theft reduction fee fund; amending K.S.A. 2014 Supp. 21-5804, 21-5813, 21-6604, 21-6804, 50-6,109, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b and 50-6,112c and repealing the existing sections; also repealing K.S.A. 2014 Supp. 21-6604c and 50-6,112";

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

JEFF KING  
GREG SMITH  
PAT PETTEY

*Conferees on part of Senate*

JOHN BARKER  
CHARLES MACHEERS  
JOHN CARMICHAEL

*Conferees on part of House*

Senator King moved the Senate adopt the Conference Committee Report on **HB 2048**.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Tyson.

Absent or Not Voting: Arpke, Love.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: This legislation, **HB 2048**, is the result of great work from all parties involved. This will help curb the epidemic of metal theft that has been costing citizens from all walks of life in our State. I am proud to be a sponsor of this legislation. I want to thank the law enforcement officers, clergy, business owners, recyclers, and prosecutors who put countless hours in working out this compromise.—MIKE PETERSEN

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2177** 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. Senate substitute for 2177, as follows:

On page 1, by striking all in likes 4 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 27; following line 27, by inserting:

"Section 1. K.S.A. 2014 Supp. 32-1001 is hereby amended to read as follows: 32-1001. (a) It is unlawful for any person to:

(1) Participate or engage in any activity for which such person is required to have obtained a license, permit, stamp or other issue of the Kansas department under the wildlife, parks and tourism laws of this state or under rules and regulations of the secretary unless such person has obtained a currently valid such license, permit, stamp or other issue issued to such person;

(2) fail to carry in such person's possession a currently valid license, permit, stamp or other issue of the department, issued to such person, while participating or engaging in any activity for which such person is required to have obtained such license, permit, stamp or other issue under the wildlife, parks and tourism laws of this state or under rules and regulations of the secretary;

(3) refuse to allow examination of any license, permit, stamp or other issue of the department while participating or engaging in any activity for which such person is required to have obtained such license, permit, stamp or other issue under the wildlife, parks and tourism laws of this state or under rules and regulations of the secretary, upon demand by any officer or employee of the department or any officer authorized to enforce the laws of this state or rules and regulations of the secretary;

(4) while participating or engaging in fishing or hunting: (A) Fail to carry in such person's possession a card or other evidence which such person is required to carry pursuant to K.S.A. 32-980, and amendments thereto; or (B) refuse to allow inspection of such card or other evidence upon demand of any officer or employee of the department or any officer authorized to enforce the laws of this state or rules and regulations of the secretary; or

(5) make any false representation to secure any license, permit, stamp or other issue of the department, or duplicate thereof, or to make any alteration in any such license, permit, stamp or other issue.

(b) No person charged with violating subsection (a)(1) for failure to obtain a vehicle or camping permit for use of any state park, or any portion thereof or facility therein, or any other area or facility for which a vehicle or camping permit is required pursuant to rules and regulations of the secretary shall be convicted thereof unless such person refuses to purchase such permit after receiving a permit violation notice, which notice shall require the procurement of: (1) The proper daily permit or permits and payment within 24 hours of a late payment fee of \$15; or (2) an annual vehicle or camping permit, as the case may be, if such permit has been established by rule and regulation and adopted by the secretary.

(c) (1) In any prosecution charging a violation of subsection (a)(1) for failure to obtain a permit required by K.S.A. 32-901, and amendments thereto, proof that the

particular vehicle described in the complaint was in violation, together with proof that the defendant named in the complaint was at the time of the violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the time when and place where the violation occurred.

(2) Proof of a written lease of, or rental agreement for, a particular vehicle described in the complaint, on the date and at the time of the violation, which lease or rental agreement includes the name and address of the person to whom the vehicle was leased or rented at the time of the violation, shall rebut the prima facie evidence that the registered owner was the person who parked or placed the vehicle at the time when and place where the violation occurred.

(d) No person who is a resident of this state and charged with violating subsection (a)(1) or (a)(2) shall be convicted thereof if such person produces in court or the office of the arresting officer the appropriate license, permit, stamp or other issue of the department, lawfully issued to such person and valid at the time of such person's ~~arrest~~ alleged violation.

(e) Any person convicted of violating provisions of this section shall be subject to the penalties prescribed in K.S.A. 32-1031, and amendments thereto, except as provided in K.S.A. 32-1032, and amendments thereto, relating to big game and wild turkey.

Sec. 2. K.S.A. 2014 Supp. 32-1041 is hereby amended to read as follows: 32-1041.

(a) (1) Upon the first conviction of violating any provision of the wildlife, parks and tourism laws of this state or rules and regulations of the secretary, and in addition to any authorized sentence imposed by the convicting court, such court may: (A) Order such person to refrain from engaging in any activity, legal or illegal, the activity for which convicted for up to one year from the date of conviction; and (B) order the forfeiture of any license, permit, stamp or other issue of the department, other than a lifetime license, which is held by the convicted person and pertains to the activity for which the person was convicted for up to one year from the date of conviction.

(2) Upon any subsequent conviction of violating any provision of the wildlife, parks and tourism laws of this state, or rules and regulations adopted thereunder, and in addition to any authorized sentence imposed by the convicting court, such court shall: (A) Order such person to refrain from any activity, legal or illegal, related to the activity for which convicted for one year from the date of conviction; and (B) order the forfeiture of any license, permit, stamp or other issue of the department, other than a lifetime license, which is held by the convicted person and pertains to the activity for which the person was convicted for one year from the date of conviction.

(b) (1) Upon the first conviction of violating any provision of the wildlife, parks and tourism laws of this state, or rules and regulations adopted thereunder, by a person who has been issued a lifetime hunting or fishing license or a combination thereof, and in addition to any authorized sentence imposed by the convicting court, such court may order the suspension of such license for up to one year from the date of conviction.

(2) Upon any subsequent conviction of violating any provision of the wildlife, parks and tourism laws of this state, or rules and regulations adopted thereunder, by a person who has been issued a lifetime hunting or fishing license or a combination thereof, and in addition to any authorized sentence imposed by the convicting court, such court shall order the suspension of such license for one year from the date of conviction.

(c) If a convicted person has been issued a combination hunting and fishing license or a combination lifetime license, only that portion of such license which pertains to the activity for which such person is convicted shall be subject to forfeiture or suspension pursuant to this section. In such case, the order of conviction shall indicate that part of the license which is forfeited or suspended, and such order shall become a temporary license under which the offender may either hunt or fish as the order indicates.

(d) Whenever a judge orders forfeiture or suspension of a license, permit, stamp or other issue of the department pursuant to this section, such physical license, permit, stamp or other issue shall be surrendered to the court and the judge shall forward it, along with a copy of the conviction order, to the department.

(e) A person whose license, permit, stamp or other issue of the department has been forfeited or suspended pursuant to subsection (a)(1) or (b)(1) shall not be eligible to purchase another such issue within 30 days of the conviction. A person whose license, permit, stamp or other issue of the department has been forfeited or suspended pursuant to subsection (a)(2) or (b)(2) shall not be eligible to purchase another such issue within one year from the date of conviction.

(f) A judge, upon a finding of multiple, repeated or otherwise aggravated violations by a defendant, may order forfeiture or suspension of the defendant's license, permit, stamp or other issue of the department for a period longer than otherwise provided by this section and may order the defendant to refrain from any activity, legal or illegal, related to the activity for which convicted for a period longer than otherwise provided by this section.

Sec. 3. K.S.A. 2014 Supp. 32-1047 is hereby amended to read as follows: 32-1047.

(a) ~~Subject to the provisions in subsection (b),~~ The department is hereby empowered and directed to seize and possess any wildlife which is taken, possessed, sold or transported unlawfully, and any steel trap, snare or other device or equipment used in taking or transporting wildlife unlawfully or during closed season. ~~The department is hereby authorized to shall:~~

(1) Offer the seized item, if the item is unlawfully taken wildlife parts, to the landowner or tenant on whose property the wildlife parts were unlawfully taken, provided:

(A) The wildlife parts are no longer needed as evidence;

(B) the location of the violation can be positively ascertained;

(C) there is no dispute between landowners or tenants as to who may receive the wildlife parts; and

(D) the landowner or tenant did not commit the violation for which the wildlife parts were seized; and

~~(E) the wildlife parts are transferred within two years of adjudication of the violation;~~

(2) The provisions of subsection (a)(1) are construed to be and shall be applied retroactively as they relate to antlers, antler sheds and horns seized by the department after January 1, 2005, and in the care, custody, control, management or possession of the department as of January 1, 2015, when the landowner or tenant whose property on which the antlers, antler sheds or horns were unlawfully taken, requests such wildlife parts to be returned to such landowner or tenant. This subsection shall apply to antlers, antler sheds and horns in the possession of the department or in the possession of some other entity pursuant to an agreement with the department.

(b) If the seized item is not unlawfully taken wildlife or is unlawfully taken wildlife that is not disposed of as described in subsection (a), the department is hereby authorized to:

~~(2)(1)~~ Sell the seized item, including wildlife parts with a dollar value, and remit the proceeds to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. If the seized item is a firearm that has been forfeited pursuant to K.S.A. 22-2512, and amendments thereto, then it may be sold unless: ~~(1)(A)~~ The firearm is significantly altered in any manner; or ~~(2)(B)~~ the sale and public possession of such firearm is otherwise prohibited by law. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the wildlife fee fund;

~~(3)(2)~~ retain the seized item for educational, scientific or department operational purposes; or

~~(4)(3)~~ destroy the seized item.

~~(b) The department shall give priority to disposing of unlawfully taken wildlife items in accordance with the process provided for in subsection (a)(1):~~

Sec. 4. K.S.A. 2014 Supp. 32-1049 is hereby amended to read as follows: 32-1049. (a) Whenever a person is charged for any violation of any of the wildlife, parks and tourism laws of this state or the provisions of article 11 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted thereunder, punishable as a misdemeanor and is not immediately taken before a judge of the district court as required or permitted pursuant to K.S.A. 32-1048 and ~~32-1178~~ 32-1179, and amendments thereto, the officer ~~shall~~ may prepare a written citation containing a notice to appear in court, the name and address of the person, the offense charged, the time and place when and where the person shall appear in court and such other pertinent information as may be necessary.

(b) The time specified in the citation must be at least five days after the alleged violation unless the person charged with the violation shall demand an earlier hearing.

(c) The place specified in the citation must be before a judge of the district court within the county in which the offense is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the alleged violation occurred.

(d) The person charged with the violation may give a written promise to appear in court by signing at least one copy of the written citation prepared by the officer, in which event the officer shall deliver a copy of the citation to the person, and thereupon the officer shall not take the person into physical custody for the violation.

~~(e) Any officer violating any provisions of this section is guilty of misconduct in office and shall be subject to removal from office.~~

~~(f)-(e)~~ In the event the form of citation provided for in this section includes information required by law and is signed by the officer preparing the same, such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under law.

Sec. 5. K.S.A. 32-1139 is hereby amended to read as follows: 32-1139. (a) On and after January 1, 2001:

(1) No person born on or after January 1, 1989, shall operate on public waters of this state any motorboat or sailboat unless the person possesses a certificate of completion of an approved boater safety education course of instruction lawfully issued

to such person as provided by this act.

(2) No owner or person in possession of any motorboat or sailboat shall permit another person, who is subject to the requirements in subsection (a)(1), to operate such motorboat or sailboat unless such other person either: (A) Has been lawfully issued a certificate of completion of an approved boater safety education course of instruction as provided by this act; or (B) is legally exempt from the requirements of subsection (a)(1).

(3) The requirement in subsection (a)(1), shall not apply to a person 21 years of age or older.

(4) The requirement in subsection (a)(1) shall not apply to a person operating a sailboat that does not have a motor and has an overall length of 16 feet, seven inches or less, while enrolled in an instructor-led class.

(b) The requirement in subsection (a)(1) shall not apply to a person operating a motorboat or sailboat accompanied by and under the direct and audible supervision of a person over 17 years of age who either: (1) Possesses a certificate of completion of an approved boater safety education course; or (2) is legally exempt from the requirements of subsection (a)(1).

(c) No person who is charged with a violation of subsection (a)(1) shall be convicted of the violation if such person produces in court or in the office of the arresting officer a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person and valid at the time of such person's arrest.

Sec. 6. K.S.A. 32-1139 and K.S.A. 2014 Supp. 32-1001, 32-1041, 32-1047 and 32-1049 are hereby repealed.";

Also on page 3, in line 29, by striking "statute book" and inserting "Kansas register"; And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "water; relating to water conservation areas" and inserting "wildlife, parks and tourism; relating to licenses, permits and stamps; citations; disposal of seized wildlife; boating; safety education courses; certain sailboats; amending K.S.A. 32-1139 and K.S.A. 2014 Supp. 32-1001, 32-1041, 32-1047 and 32-1049 and repealing the existing sections";

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

JEFF KING  
GREG SMITH  
PAT PETTEY

*Conferees on part of Senate*

JOHN BARKER  
CHARLES MACHEERS  
JOHN CARMICHAEL

*Conferees on part of House*

The motion of Senator King to adopt the conference committee report on **S Sub HB 2177** failed.

On roll call, the vote was: Yeas 11; Nays 25; Present and Passing 2; Absent or Not Voting 2.

Yeas: Donovan, Hensley, Holland, King, LaTurner, Olson, Ostmeyer, Petersen, Powell, Pyle, Tyson.

Nays: Abrams, Baumgardner, Bowers, Bruce, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Holmes, Kelly, Kerschen, Knox, Longbine, Lynn, Masterson, McGinn, Melcher, Pettey, Pilcher-Cook, Schmidt, Smith, Wilborn, Wolf.

Present and Passing: O'Donnell, Wagle.

Absent or Not Voting: Arpke, Love.

The Conference Committee Report was not adopted

**ORIGINAL MOTION**

Having voted on the prevailing side on **S Sub HB 2177**, Senator Bruce moved the Senate reconsider its action on **S Sub HB 2177** to adopt the conference committee report and appoint a second conference.

The motion of Senator Bruce to not adopt the conference committee report on **S Sub HB 2177** and appoint new conferees prevailed.

The Vice President appointed Senators King, Smith and Pettey as second conferees on the part of the Senate.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Friday, June 5, 2015.

# Journal of the Senate

EIGHTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, June 5, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Arpke was excused.

The President introduced Pastor Gary Roten, interim pastor at Emmanuel Baptist Church in Topeka, who delivered the invocation:

Our Heavenly Father, You are the same yesterday, today, and tomorrow. We praise Your holy name. The Bible says, Psalm 61:1-2: God, hear my cry for help. Listen to my prayer. From a place far away I call out to you. I call out as my heart gets weaker. Lead me to the safety of a rock that is high above me. As a United States citizen . . . As a Kansas citizen . . . Jesus, as a Christian, I cry out to you this morning. Hear my cry. Currently in our state we are hearing a lot about money. We hear the words like taxes, gas prices, groceries prices, jobs, renewable energy, need to invest, need to spend, need to cut spending . . . We hear about healthcare cost, wasting money, we need to provide for education . . . we hear we need to get control of costs and rebuild our economy. We are hearing the state is not receiving enough taxes to fund current programs. Those who now gather have decisions to make . . . Those who now gather carry the burden of choosing the direction for our state. Give them the wisdom to solve our state's funding and budget challenges. Give them the courage to solve our state's funding and budget challenges. Help them. Guide them. I also pray for the individuals in this room . . . Some of them are also carrying burdens and worries in their personal life. You also brought me here this morning to acknowledge that you love them, know of their challenge and your desire for them to trust you. The Bible says, Psalm 55:22 "Turn your worries over to the Lord. He will keep you going. He will never let godly people fall." Also, help them . . . guide them . . . Bless them. Jesus, also hear this . . . I know the Bible says Psalm 27:7 "Lord, hear my voice when I call out to you. Show me your favor and answer me." This morning we have called out to you . . . we have cried to you . . . we do ask you to be gracious and answer our prayer . . . In Jesus name I pray . . . Amen

The Pledge of Allegiance was led by President Susan Wagle.

## MESSAGE FROM THE HOUSE

The House not adopts the Conference Committee report on **H Sub SB 270**, requests a conference and appoints Representatives KleeB, Suellentrop and Sawyer as third conferees on the part of the House.

**ORIGINAL MOTION**

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **H Sub SB 270**.

The President appointed Senators Donovan, Tyson and Holland as third conferees on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **HB 2048**.

The House accedes to the request of the Senate for a conference on **S Sub HB 2177** and has appointed Representatives Kleeb, Suellentrop and Sawyer as 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 Vice President King in the chair.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

---

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

**MESSAGE FROM THE HOUSE**

The House not adopts the Conference Committee report on **H Sub SB 270**, requests a conference and appoints Representatives Kleeb, Suellentrop and Sawyer as fourth conferees on the part of the House.

Announcing passage of **SB 206**, as amended.

**ORIGINAL MOTION**

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **H Sub SB 270**.

The Vice President appointed Senators Donovan, Tyson and Holland as fourth conferees on the part of the Senate.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Senate Substitute for HB 2109** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

LES DONOVAN

CARYN TYSON

*Conferees on part of Senate*

MARVIN KLEEB

GENE SUELLENTROP

*Conferees on part of House*

On motion of Senator Donovan the Senate adopted the conference committee report on **S Sub HB 2109**, and requested a new conference be appointed.

The Vice President appointed Senators Donovan, Tyson and Holland as a second Conference Committee on the part of the Senate on **S Sub HB 2109**.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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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 **S Sub HB 2109**, and has appointed Representatives Kleeb, Suellentrop and Sawyer 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 bills: **SB 206**.

Senator Bruce moved Joint Rule 3(f) of the Senate and House of Representative be suspended and the 30 minute rule be waived on the conference committee report on **S Sub HB 2109**.

#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Longbine moved the Senate concur in House amendments to **SB 206**.

**SB 206**, AN ACT concerning the vision care services act; relating to powers and duties of the commissioner of insurance; powers and duties of the attorney general; amending K.S.A. 2014 Supp. 40-5905 and 40-5906 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Arpke.

The Senate concurred.

**REPORT ON ENROLLED BILLS**

**H Sub SB 12; SB 113** reported correctly enrolled, properly signed and presented to the Governor on June 5, 2015.

On motion of Senator Bruce, the Senate adjourned until 10:30 a.m., Saturday, June 6, 2015.

# Journal of the Senate

EIGHTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Saturday, June 6, 2015, 10:00 a.m.

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

The roll was called with 39 senators present.

Senator Arpke was excused.

Invocation by Reverend Cecil T. Washington:

Gracious Father, It's been said that in order to make a good run, you have to press all the way through the finish line. And that even when you don't feel like you won the race, you do want to feel as though you ended well. The prayer today, as we enter the home stretch, is for a good finish. In reflecting over the scores of legislative sessions that have been contributed to, let these senators...and all those involved in their support...be able to share with their families and the citizens of this state, the same words that Paul shared with his son, Timothy. In his 2nd letter to him, he said in chapter 4, verses 7-8, "I have fought the good fight, I have finished the course, I have kept the faith; in the future there is laid up for me the crown of righteousness, which the Lord, the righteous Judge, will award to me on that day; and not only to me, but also to all who have loved His appearing." Lord, we thank you that the "all who have loved Your appearing" is not a one sided, partisan statement. We thank You that the day will come, when You will settle all differences of opinions. On that day, there'll be no more debates and all conflicts will be resolved as we come together at the foot of Your throne. As we look forward to that coming together day, help us practice it this day. In Jesus name. Amen

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

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

## ORIGINAL MOTION

Senator Bruce moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and the 30 minute rule be waived on the conference committee report on **S Sub HB 2109**.

**CONFERENCE COMMITTEE REPORTS**

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 as And as Further Amended by Senate Committee of the Whole, as follows:

On page 49, by striking all in lines 21 through 43;

By striking all on pages 50 through 89;

On page 90, by striking all in lines 1 through 14;

On page 97, in line 17, after "income" by inserting "not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B) in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4";

On page 99, in line 21, after "revenue" by inserting "or, at the election of a county, by the county"; in line 22, after "department" by inserting "or the county";

On page 115, in line 7, after "(g)" by inserting "On and after January 1, 2018,";

On page 126, in line 20, by striking "6.15%" and inserting "6.55%";

On page 131, in line 30, by striking "5.7%" and inserting "5.95%";

On page 133, in line 7, by striking "17.141%" and inserting "16.192%"; in line 9, by striking "6.15%" and inserting "6.55%"; in line 12, by striking "17.141%" and inserting "16.192%"; in line 14, by striking "6.15%" and inserting "6.55%"; also in line 14, by striking "5.7%" and inserting "5.95%"; in line 18, by striking "17.234%" and inserting "16.221%"; in line 19, by striking "6.15%" and inserting "6.55%"; also in line 19, by striking "5.7%" and inserting "5.95%";

On page 134, in line 33, by striking "6.15%" and inserting "6.55%"; in line 34, by striking "5.7%" and inserting "5.95%";

On page 136, in line 16, by striking "17.141%" and inserting "16.192%"; in line 18, by striking "6.15%" and inserting "6.55%"; in line 21, by striking "17.141%" and inserting "16.192%"; in line 23, by striking "6.15%" and inserting "6.55%"; also in line 23, by striking "5.7%" and inserting "5.95%"; in line 27, by striking "17.234%" and inserting "16.221%"; in line 28, by striking "6.15%" and inserting "6.55%"; also in line 28, by striking "5.7%" and inserting "5.95%";

On page 137, by striking all in lines 37 through 43;

On page 138, by striking all in line 1; following line 1, by inserting:

"New Sec. 11. (a) There is hereby established the joint committee on tax exemptions and income tax credits which shall be within the legislative branch of state government and which shall be composed of 11 members as follows:

- (1) The president of the senate, or the president's designee;
- (2) the speaker of the house of representatives, or the speaker's designee;
- (3) the speaker pro tem of the house of representatives, or the speaker pro tem's designee;
- (4) the majority leader of the senate, or the majority leader's designee;
- (5) the majority leader of the house of representatives, or the majority leader's designee;
- (6) the minority leader of the senate, or the minority leader's designee;
- (7) the minority leader of the house of representatives, or the minority leader's designee;

(8) the chairperson of the house committee on taxation, or the chairperson's designee;

(9) the chairperson of the senate committee on assessment and taxation, or the chairperson's designee;

(10) the chairperson of the house committee on appropriations, or the chairperson's designee; and

(11) the chairperson of the senate committee on ways and means, or the chairperson's designee.

(b) All members of the joint committee on tax exemptions and income tax credits shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. On and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee and, after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. The chairperson and vice-chairperson of the joint committee shall serve in such capacities until the first day of the regular legislative session in the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of the chairperson or vice-chairperson, a member of the joint committee, who is a member of the same house as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy.

(c) The joint committee on tax exemptions and income tax credits may meet at any time and at any place within the state on the call of the chairperson. Members of the joint committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such committee authorized by the legislative coordinating council.

(d) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on tax exemptions and income tax credits.

(e) The joint committee on tax exemptions and income tax credits shall:

(1) Review and make recommendations prior to January 1, 2017, regarding the appropriateness of every statutory sales tax exemption, property tax exemption and income tax credit as to whether the exemption or credit serves a necessary public purpose or is legally required pursuant to the constitution of the United States or the state of Kansas or other federal law; and

(2) make recommendations for the establishment of standards to be utilized in granting sales tax exemptions, property tax exemptions and income tax credits by the legislature.

(f) The joint committee on tax exemptions and income tax credits may introduce such legislation as it deems necessary in performing its function. In light of the complexities and indivisibility of the many individual exemptions and credits that are

the subject of this topic under study by the joint committee, the recommendations of the joint committee as expressed in legislation shall constitute a comprehensive legislative enactment and within constitutional limitations, such legislation shall be considered by the legislature.

(g) The joint committee on tax exemptions and income tax credits shall report to the legislature on or before January 1, 2017, any findings and recommendations concerning sales tax exemptions, property tax exemptions and income tax credits including any recommended legislation.

New Sec. 12. On and after July 1, 2016, a tax is hereby imposed upon the privilege of selling or dealing in electronic cigarettes in this state by any person engaged in business as a distributor thereof, at the rate of \$.20 per milliliter of consumable material and a proportionate tax at the like rate on all fractional parts thereof. For electronic cigarettes in the possession of retail dealers for which tax has not been paid, tax shall be imposed under this subsection at the earliest time the retail dealer: (a) Brings or causes to be brought into this state from without the state electronic cigarettes for sale; (b) makes, manufactures or fabricates electronic cigarettes in this state for sale in this state; or (c) sells electronic cigarettes to consumers within this state.

Sec. 13. K.S.A. 2014 Supp. 12-187 is hereby amended to read as follows: 12-187. (a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{2}{3}$  of the membership of the governing body of each of one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by  $\frac{2}{3}$  of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Thomas, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary

of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of ad valorem tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by 0.75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(F) The result of the election held on December 1, 2009, on the question submitted by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the

revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(G) The result of the election held on April 7, 2015, on the question submitted by the board of county commissioners of Bourbon county for the purpose of increasing its retailers' sales tax by 0.4% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of ~~paragraph (5) of subsection (b)~~ of K.S.A. 68-2314(b)(5), and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to ~~paragraph (2) of subsection (a)(2)~~ by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include, but not be limited to, the following: Local health departments, city or county hospitals, city or county nursing homes,

preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(7) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) The board of county commissioners of Cowley, Crawford, Russell and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% in the case of Crawford, Russell and Woodson county and at a rate of up to 0.25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs

authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purposes of conservation, access and management of open space; preservation of cultural heritage; and economic development projects and activities.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected. The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% which such tax shall take effect after the expiration of the tax imposed pursuant to this paragraph prior to the effective date of this act, and pledging the revenue received therefrom for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. Such tax shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called

and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected.

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.

(22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.

(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs

of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(26) The board of county commissioners of Pottawatomie county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, or public infrastructure improvements, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project or projects.

(27) The board of county commissioners of Kingman county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of constructing and furnishing a law enforcement center and jail facility and the costs of roadway and bridge improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire not later than 20 years from the date such tax is first collected.

(28) The board of county commissioners of Edwards county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.375% and pledging the revenue therefrom for the purpose of financing the costs of economic development initiatives to the electors at an election called and held thereon.

(29) The board of county commissioners of Rooks county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue therefrom for the purpose of financing the costs of constructing or remodeling and furnishing a jail facility to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized in financing such project or projects.

(30) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility, detention facility or other county administrative facility, specifically including mental health and for the

operation thereof.

(31) The board of county commissioners of Bourbon county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1%, in increments of 0.05%, and pledging the revenue received therefrom for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements to the electors at an election called and held thereon.

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{2}{3}$  of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by  $\frac{2}{3}$  of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of 0.5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a

statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 14. K.S.A. 2014 Supp. 12-189 is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in increments of 0.05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special purposes which shall be determined by the governing body of the city. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount not to exceed 1% and shall be fixed in increments of 0.25%, and which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of ~~paragraph (2) of subsection (b) of~~ K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of ~~paragraph (2) of subsection (b) of~~ K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward, Thomas or Wyandotte county, for the purposes of ~~paragraph (2) of subsection (b) of~~ K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5%; the board of county commissioners of Atchison county, for the purposes of ~~paragraph (2) of subsection (b) of~~ K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of ~~paragraph (2) of subsection (b) of~~ K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of ~~paragraph (2) of subsection (b) of~~ K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of ~~paragraph (2) of subsection (b) of~~ K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown county, for the purposes of ~~paragraph (2) of subsection (b) of~~ K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at up to 2%;

(b) the board of county commissioners of Jackson county, for the purposes of ~~paragraph (3) of subsection (b) of~~ K.S.A. 12-187(b)(3), and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of ~~paragraph (4) of subsection (b) of~~ K.S.A. 12-187(b)(4), and amendments thereto, may fix such rate at 0.25%;

(d) the board of county commissioners of any county for the purposes of ~~paragraph (5) of subsection (b) of~~ K.S.A. 12-187(b)(5), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus 0.25%, 0.5%, 0.75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of ~~paragraph (7) of subsection (b) of~~ K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the

purposes of ~~paragraph (7) of subsection (b) of K.S.A. 12-187(b)(7)~~, and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of ~~paragraph (8) of subsection (b) of K.S.A. 12-187(b)(8)~~, and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of Crawford or Russell county for the purposes of ~~paragraph (9) of subsection (b) of K.S.A. 12-187(b)(9)~~, and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of ~~paragraph (10) of subsection (b) of K.S.A. 12-187(b)(10)~~, and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of ~~paragraph (11) of subsection (b) of K.S.A. 12-187(b)(11) and (b)(30)~~, and amendments thereto, may fix such rate at ~~1.25%~~ 1.75%;

(j) the board of county commissioners of Jackson county, for the purposes of ~~subsection (b)(13) of K.S.A. 12-187(b)(13)~~, and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of ~~paragraph (3)(C) of subsection (b) of K.S.A. 12-187(b)(3)(C)~~, and amendments thereto, may fix such rate at 2%;

(l) the board of county commissioners of Neosho county, for the purposes of ~~paragraph (14) of subsection (b) of K.S.A. 12-187(b)(14)~~, and amendments thereto, may fix such rate at 1.0% or 1.5%;

(m) the board of county commissioners of Saline county, for the purposes of ~~paragraph (15) of subsection (b) of K.S.A. 12-187(b)(15)~~, and amendments thereto, may fix such rate at up to 1.5%;

(n) the board of county commissioners of Harvey county, for the purposes of ~~paragraph (16) of subsection (b) of K.S.A. 12-187(b)(16)~~, and amendments thereto, may fix such rate at 2.0%;

(o) the board of county commissioners of Atchison county, for the purpose of ~~paragraph (17) of subsection (b) of K.S.A. 12-187(b)(17)~~, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus 0.25%;

(p) the board of county commissioners of Wabaunsee county, for the purpose of ~~paragraph (18) of subsection (b) of K.S.A. 12-187(b)(18)~~, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus 0.5%;

(q) the board of county commissioners of Jefferson county, for the purpose of ~~paragraphs (19) and (25) of subsection (b) of K.S.A. 12-187(b)(19) and (25)~~, and amendments thereto, may fix such rate at 2.25%;

(r) the board of county commissioners of Riley county, for the purpose of ~~paragraph (20) of subsection (b) of K.S.A. 12-187(b)(20)~~, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;

(s) the board of county commissioners of Johnson county for the purposes of ~~paragraph (21) of subsection (b) of~~ K.S.A. 12-187(b)(21), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus 0.25%;

(t) the board of county commissioners of Wilson county for the purposes of ~~paragraph (22) of subsection (b) of~~ K.S.A. 12-187(b)(22), and amendments thereto, may fix such rate at up to 2%;

(u) the board of county commissioners of Butler county for the purposes of ~~paragraph (23) of subsection (b) of~~ K.S.A. 12-187(b)(23), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;

(v) the board of county commissioners of Barton county, for the purposes of ~~paragraph (24) of subsection (b) of~~ K.S.A. 12-187(b)(24), and amendments thereto, may fix such rate at up to 1.5%;

(w) the board of county commissioners of Lyon county, for the purposes of ~~paragraph (3)(D) of subsection (b) of~~ K.S.A. 12-187(b)(3)(D), and amendments thereto, may fix such rate at 1.5%;

(x) the board of county commissioners of Rawlins county, for the purposes of ~~paragraph (3)(E) of subsection (b) of~~ K.S.A. 12-187(b)(3)(E), and amendments thereto, may fix such rate at 1.75%;

(y) the board of county commissioners of Chautauqua county, for the purposes of ~~paragraph (3)(F) of subsection (b) of~~ K.S.A. 12-187(b)(3)(F), and amendments thereto, may fix such rate at 2.0%;

(z) the board of county commissioners of Pottawatomie county, for the purposes of ~~paragraph (26) of subsection (b) of~~ K.S.A. 12-187(b)(26), and amendments thereto, may fix such rate at up to 1.5%;

(aa) the board of county commissioners of Kingman county, for the purposes of ~~paragraph (27) of subsection (b) of~~ K.S.A. 12-187(b)(27), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75%, or 1%;

(bb) the board of county commissioners of Edwards county, for the purposes of ~~paragraph (28) of subsection (b) of~~ K.S.A. 12-187(b)(28), and amendments thereto, may fix such rate at 1.375%; ~~and~~

(cc) the board of county commissioners of Rooks county, for the purposes of ~~paragraph (29) of subsection (b) of~~ K.S.A. 12-187(b)(29), and amendments thereto, may fix such rate at up to 1.5%; ~~and~~

(dd) the board of county commissioners of Bourbon county, for the purposes of K.S.A. 12-187 (b)(3)(G and (b)(31), and amendments thereto, may fix such rate at up to 2.0%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax

insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected by the director of taxation pursuant to the authority granted in ~~paragraph (22) of subsection (b) of K.S.A. 12-187(b)(22)~~, and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax which exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 15. K.S.A. 2014 Supp. 12-192 is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1)

One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year; and (2) one-half of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of 0.75%, 1% or 1.25% after July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner: (A) The revenue received from the first 0.5% rate of tax shall be apportioned in the manner prescribed by subsection (a); and (B) the revenue received from the rate of tax exceeding 0.5% shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year; (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county; and (iii) one-half shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies

applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to ~~paragraphs (2), (3)(C), (3)(F), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25), (27), (28) and (29) of subsection (b) of K.S.A. 12-187(b)(2), (3)(C), (3)(F), (3)(G), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25), (27), (28), (29), (30) and (31), and amendments thereto,~~ shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in ~~paragraph (5) of subsection (b) of K.S.A. 12-187(b)(5), and amendments thereto,~~ all revenues received from a countywide retailers' sales tax imposed pursuant to ~~paragraph (5) of subsection (b) of K.S.A. 12-187(b)(5), and amendments thereto,~~ shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(3) All revenue received from a countywide retailers' sales tax imposed pursuant to ~~paragraph (26) of subsection (b) of K.S.A. 12-187(b)(26), and amendments thereto,~~ shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged unless the question of imposing a countywide retailers' sales tax authorized by ~~paragraph (26) of subsection (b) of K.S.A. 12-187(b)(26), and amendments thereto,~~ includes the apportionment of revenue prescribed in subsection (a).

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant

to this section.

(h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.

Sec. 16. K.S.A. 2014 Supp. 12-3915 is hereby amended to read as follows: 12-3915. The governing body of any fire district created pursuant to this act shall have the authority to:

(a) Levy taxes and special assessments as provided by law. Except as provided by K.S.A. 12-3913, and amendments thereto, the governing body shall fix the amount of the tax, ~~not to exceed 15 mills~~, to be levied upon all taxable tangible property in the consolidated fire district;

(b) enter into contracts;

(c) acquire and dispose of real and personal property;

(d) acquire, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire-fighting equipment;

(e) acquire, operate and maintain fire-fighting equipment;

(f) issue general obligation bonds and no-fund warrants;

(g) pay compensation and salaries to fire district employees;

(h) exercise eminent domain;

(i) pay the operation and maintenance expenses of the fire district and other expenses legally incurred by the district;

(j) select regular employees, provide for their compensation and furnish quarters for such employees if deemed desirable;

(k) provide for the organization of volunteer members who may be compensated for fighting fires, responding to emergencies or attending meetings;

(l) provide special clothing and equipment for such employees and volunteers;

(m) insure such employees and volunteers against accidental death and injury in the performance of their duties;

(n) pay for the acquisition, installation or maintenance of one or more fire hydrants, or similar devices for fighting fires, including necessary equipment, services or supplies related thereto.

The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed; and

(o) do all things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of the district and otherwise effectuate the purposes of this act.

Sec. 17. K.S.A. 2014 Supp. 12-5909 is hereby amended to read as follows: 12-5909. (a) Until sold or otherwise disposed of by the bank and except for special assessments levied by a municipality to finance public improvements, any property acquired by the bank shall be exempt from the payment of ad valorem taxes levied by the state and any other political or taxing subdivision of the state.

(b) Except for special assessments levied by a municipality to finance public improvements, when the board acquires property pursuant to this act, the county treasurer shall remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the board.

(c) Property held by the bank shall remain liable for special assessments levied by a municipality to finance public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the bank.

(d) The governing body of any municipality which has levied special assessments on property acquired by the bank may abate part or all of the special assessments, and the bank and governing body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the county treasurer as of the effective date of the abatement.

(e) The governing body of any municipality which has levied special assessments on property acquired by the bank may enter into an agreement with the bank to defer or reamortize part or all of the special assessments. The governing body of the municipality shall provide for such deferral or reamortization by passage of an ordinance, if a city, and by passage of a resolution by any other municipality. Any special assessments that are deferred or reamortized shall be corrected on the tax rolls by the county treasurer as of the effective date of the ordinance or resolution providing for such deferral or reamortization.

Sec. 18. K.S.A. 19-26,111 is hereby amended to read as follows: 19-26,111. (a) Until sold or otherwise disposed of by the bank and except for special assessments levied by a municipality to finance public improvements, any property acquired by the bank shall be exempt from the payment of ad valorem taxes levied by the state and any other political or taxing subdivision of the state.

(b) Except for special assessments levied by a municipality to finance public improvements, when the board acquires property pursuant to this act, the county treasurer shall remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the board.

(c) Property held by the bank shall remain liable for special assessments levied by a municipality to finance public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the bank.

(d) The governing body of any municipality which has levied special assessments on property acquired by the bank may abate part or all of the special assessments, and the bank and governing body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the county treasurer as of the effective date of the abatement.

(e) The governing body of any municipality which has levied special assessments on property acquired by the bank may enter into an agreement with the bank to defer or reamortize part or all of the special assessments. The governing body of the municipality shall provide for such deferral or reamortization by passage of an ordinance, if a city, and by passage of a resolution by any other municipality. Any special assessments that are deferred or reamortized shall be corrected on the tax rolls by the county treasurer as of the effective date of the ordinance or resolution providing for such deferral or reamortization.

Sec. 19. K.S.A. 2014 Supp. 72-99a02, as amended by section 67 of 2015 House Substitute for Senate Bill No. 7, is hereby amended to read as follows: 72-99a02. As

used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed \$8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) "Eligible student" means a child who:

(1) (A) Qualifies as an at-risk pupil as defined in K.S.A. 72-6407, prior to its repeal, and who is attending a public school that would qualify as either a title I focus school or a title I priority school as described by the state board under the elementary and secondary education act flexibility waiver as amended in January 2013; or (B) has received been eligible to receive an educational scholarship under this program and has not graduated from high school or reached 21 years of age;

(2) resides in Kansas while receiving eligible for an educational scholarship; and

(3) (A) was enrolled in any public school in the previous school year in which an educational scholarship is first sought for the child; or (B) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is under the age of six seven years.

(e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(f) "Program" means the tax credit for low income students scholarship program established in K.S.A. 2014 Supp. 72-99a01 through 72-99a07, and amendments thereto.

(g) "Public school" means a school that would qualify as either a title I focus school or a title I priority school as described by the state board under the elementary and secondary education act flexibility waiver as amended in January 2013 and is operated by a school district.

(h) "Qualified school" means any nonpublic school that provides education to elementary or secondary students, has notified the state board of its intention to participate in the program and complies with the requirements of the program.

(i) "Scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to eligible students attending or to qualified schools of their parents' choice in which parents have enrolled eligible students.

(j) "School district" or "district" means any unified school district organized and operating under the laws of this state.

(k) "School year" shall have the meaning ascribed thereto in section 5 of 2015 House Substitute for Senate Bill No. 7, and amendments thereto.

(l) "Secretary" means the secretary of revenue.

(m) "State board" means the state board of education.

Sec. 20. K.S.A. 2014 Supp. 72-99a03 is hereby amended to read as follows: 72-99a03. (a) There is hereby established the tax credit for low income students scholarship program. The program shall provide eligible students with an opportunity to attend schools of their parents' choice.

(b) Each scholarship granting organization shall issue a receipt, in a form

prescribed by the secretary, to each contributing taxpayer indicating the value of the contribution received. Each taxpayer shall provide a copy of such receipt when claiming the tax credit established in K.S.A. 2014 Supp. 72-99a07, and amendments thereto.

(c) (1) Prior to awarding an educational scholarship with respect to an eligible student, unless such student is under the age of ~~six~~ seven years, the scholarship granting organization shall receive written verification from the state board that such student is an eligible student under this program, provided the state board and the board of education of the school district in which the eligible student was enrolled the previous school year have received written consent from such eligible student's parent authorizing the release of such information.

(2) In any calendar year in which a parent submits an application or provides written consent to release information to enter a student into the program, no subsequent modification, adjustment or removal of a school's designation as a title I focus school or a title I priority school shall prohibit an otherwise eligible student from receiving an educational scholarship if such student qualified as an eligible student on the date such application or written consent to release information form was received by a district or the state department of education.

(d) Upon receipt of information in accordance with ~~subsection (a)(2) of~~ K.S.A. 2014 Supp. 72-99a04(a)(2), and amendments thereto, the state board shall inform the scholarship granting organization ~~if such student has already been designated to receive whether~~ an educational scholarship has been awarded by another scholarship granting organization with respect to the eligible student.

(e) In each school year, ~~each eligible student under this program shall not receive no more than one \$8,000 in educational scholarship scholarships may be awarded~~ under this program with respect to an eligible student.

~~(f) An eligible student's participation in this program by receiving an educational scholarship constitutes a waiver to special education services provided by any school district, unless such school district agrees to provide such services to the qualified school.~~

Sec. 21. K.S.A. 2014 Supp. 72-99a04 is hereby amended to read as follows: 72-99a04. (a) To be eligible to participate in the program, a scholarship granting organization shall comply with the following:

(1) The scholarship granting organization shall notify the secretary and the state board of the scholarship granting organization's intent to provide educational scholarships ~~to students attending qualified schools;~~

(2) upon granting an educational scholarship ~~to an eligible student~~, the scholarship granting organization shall report such information to the state board;

(3) the scholarship granting organization shall provide verification to the secretary that the scholarship granting organization is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(4) upon receipt of contributions in an aggregate amount or value in excess of \$50,000 during a school year, a scholarship granting organization shall file with the state board either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the scholarship granting organization's ability to pay an aggregate amount equal to the amount of the contributions expected to

be received during the school year, which must be reviewed and approved of in writing by the state board;

(5) scholarship granting organizations that provide other nonprofit services in addition to providing educational scholarships shall not commingle contributions made under the program with other contributions made to such organization. A scholarship granting organization under this subsection shall also file with the state board, prior to the commencement of each school year, either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the nonprofit organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(6) ~~the scholarship granting organization shall ensure that each~~ qualified school receiving educational scholarships from the scholarship granting organization ~~is in~~ shall annually certify to the scholarship granting organization its compliance with the requirements of the program;

(7) at the end of the calendar year, the scholarship granting organization shall have its accounts examined and audited by a certified public accountant. Such audit shall include, but not be limited to, information verifying that the educational scholarships awarded by the scholarship granting organization were distributed to ~~the qualified schools with respect to~~ eligible students determined by the state board under ~~subsection (e) of~~ K.S.A. 2014 Supp. 72-99a03(c), and amendments thereto, and information specified in this section. Prior to filing a copy of the audit with the state board, such audit shall be duly verified and certified by a certified public accountant; and

(8) if a scholarship granting organization decides to limit the number or type of qualified schools who will receive educational scholarships, the scholarship granting organization shall provide, in writing, the name or names of those qualified schools to any contributor and the state board.

(b) No scholarship granting organization shall provide an educational scholarship ~~for with respect to~~ any eligible student to attend any qualified school with paid staff or paid board members, or relatives thereof, in common with the scholarship granting organization.

(c) The scholarship granting organization shall disburse not less than 90% of contributions received pursuant to the program ~~to eligible students~~ in the form of educational scholarships within 36 months of receipt of such contributions. If such contributions have not been disbursed within the applicable 36-month time period, then the scholarship granting organization shall not accept new contributions until 90% of the received contributions have been disbursed in the form of educational scholarships. Any income earned from contributions must be disbursed in the form of educational scholarships.

(d) A scholarship granting organization may continue to provide an educational scholarship with respect to an eligible a student ~~who received an educational scholarship under this program who was an eligible student~~ in the year immediately preceding the current school year.

(e) ~~(1)~~ A scholarship granting organization shall direct payments of ~~an educational scholarship~~ scholarships to the qualified school ~~on behalf of the eligible student~~

attended by the eligible student or in which the eligible student is enrolled. Payments shall be made in two installments. One installment payment shall be made on or before the 31<sup>st</sup> calendar day of the first semester and one installment payment shall be made on or before the 31<sup>st</sup> calendar day of the second semester. Payment ~~shall~~ may be made by check made payable to both the parent and the qualified school or to only the qualified school. If an eligible student transfers to a new qualified school during a school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the new qualified school based on the eligible student's attendance. If the eligible student transfers to a public school and enrolls in such public school after September 20 of the current school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the public school based on the eligible student's attendance. The prorated amount to the public school shall be considered a donation and shall be paid to the school district of such public school in accordance with K.S.A. 72-8210, and amendments thereto, ~~to provide for the education of such eligible student.~~

(2) For the purpose of this subsection, "public school" means a school operated by a school district.

(f) By June 1 of each year, a scholarship granting organization shall submit a report to the state board for the educational scholarships provided in the immediately preceding 12 months. Such report shall be in a form and manner as prescribed by the state board, approved and signed by a certified public accountant, and shall contain the following information:

- (1) The name and address of the scholarship granting organization;
- (2) the name and address of each eligible student ~~receiving with respect to whom~~ an educational scholarship was awarded by the scholarship granting organization;
- (3) the total number and total dollar amount of contributions received during the 12-month reporting period; and
- (4) the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period and the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period with respect to eligible students who qualified under ~~subsection (d)~~ subsection (d) of K.S.A. 2014 Supp. 72-99a02(d), and amendments thereto.

(g) No scholarship granting organization shall:

- (1) Provide an ~~eligible student with an~~ educational scholarship with respect to an eligible student that is established by funding from any contributions made by any relative of such eligible student; or
- (2) accept a contribution from any source with the express or implied condition that such contribution be directed toward an educational scholarship for a particular eligible student.

Sec. 22. K.S.A. 2014 Supp. 74-50,208 is hereby amended to read as follows: 74-50,208. (a) A program contributor shall be allowed a credit against state income tax imposed under the Kansas income tax act in an amount not to exceed 75% of the contribution amount. If the amount of the credit allowed by this section exceeds the taxpayer's income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer. No credit pursuant to this section shall be allowed for any contribution made by a program contributor which also qualified for a community services tax credit pursuant to the provisions of K.S.A. 79-32,195 et seq.,

and amendments thereto.

(b) The administration of the community-based organization, with the cooperation of the participating financial institutions, shall submit the names of contributors and the total amount each contributor contributes to the individual development account reserve fund for the calendar year. The secretary of revenue shall determine the date by which such information shall be submitted to the department of revenue by the local administrator.

(c) The total tax credits authorized pursuant to this section shall not exceed \$500,000 in any fiscal year.

(d) The provisions of this section shall be applicable to all taxable years commencing after December 31, ~~2010~~ 2014.

~~(e) For tax year 2013 and all tax years thereafter, the income tax credit provided by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (c) of K.S.A. 79-32,110, and amendments thereto, and shall be applied only against such taxpayer's corporate income tax liability.~~

Sec. 23. K.S.A. 2014 Supp. 74-50,223 is hereby amended to read as follows: 74-50,223. (a) Any county that has been designated a rural opportunity zone pursuant to K.S.A. 74-50,222, and amendments thereto, may participate in the program provided in this section by authorizing such participation by the county commission of such county through a duly enacted written resolution. Such county shall provide a certified copy of such resolution to the secretary of commerce on or before January 1, 2012, for calendar year 2012, or on or before January 1 for each calendar year thereafter, in which a county chooses to participate. Such resolution shall obligate the county to participate in the program provided by this section for a period of five years, and shall be irrevocable. Such resolution shall specify the maximum amount of outstanding student loan balance for each resident individual to be repaid as provided in subsection (b), except the maximum amount of such balance shall be \$15,000.

(b) If a county submits a resolution as provided in subsection (a), under the program provided in this section, subject to subsection (d), the state of Kansas and such county which chooses to participate as provided in subsection (a), shall agree to pay in equal shares the outstanding student loan balance of any resident individual who qualifies to have such individual's student loans repaid under the provisions of subsection (c) over a five-year period, except that the maximum amount of such balance shall be \$15,000. The amount of such repayment shall be equal to 20% of the outstanding student loan balance of the individual in a year over the five-year repayment period. The state of Kansas is not obligated to pay the student loan balance of any resident individual who qualifies pursuant to subsection (c) prior to the county submitting a resolution to the secretary pursuant to subsection (a). Each such county shall certify to the secretary that such county has made the payment required by this subsection.

(c) A resident individual shall be entitled to have such individual's outstanding student loan balance paid for attendance at an institution of higher education where such resident individual earned an associate, bachelor or post-graduate degree under the provisions of this section when such resident individual establishes domicile in a county designated as a rural opportunity zone which participates in the program as provided in subsection (a), on and after the date in which such county commenced such participation, and prior to July 1, ~~2016~~ 2021. Such resident individual may enroll in this

program in a form and manner prescribed by the secretary. Subject to subsection (d), once enrolled such resident individual shall be entitled to full participation in the program for five years, except that if the resident individual relocates outside the rural opportunity zone for which the resident individual first qualified, such resident individual forfeits such individual's eligibility to participate, and obligations under this section of the state and the county terminate. No resident individual shall enroll and be eligible to participate in this program after June 30, ~~2016~~ 2021.

(d) The provisions of this act shall be subject to appropriation acts. Nothing in this act guarantees a resident individual a right to the benefits provided in this section. The county may continue to participate even if the state does not participate.

(e) The secretary shall adopt rules and regulations necessary to administer the provisions of this section.

(f) On January 1, 2012, and annually thereafter until January 1, ~~2017~~ 2022, the secretary of commerce shall report to the senate committee on assessment and taxation and the house of representatives committee on taxation as to how many residents applied for the rural opportunity zone tax credit.

Sec. 24. K.S.A. 2014 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(a), 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:

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 year 2014:

If the taxable income is:	The tax is:
Not over \$30,000.....	2.7% of Kansas taxable income
Over \$30,000.....	\$810 plus 4.8% of excess over
	\$30,000

(D) For tax year 2015, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$30,000.....	2.7% of Kansas taxable income
Over \$30,000.....	\$810 plus 4.6% of excess over
	\$30,000

—(E) For tax year 2016:

If the taxable income is:	The tax is:
Not over \$30,000.....	2.4% of Kansas taxable income
Over \$30,000.....	\$720 plus 4.6% of excess over \$30,000

—(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

(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:

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 year 2014:

If the taxable income is:	The tax is:
Not over \$15,000.....	2.7% of Kansas taxable income
Over \$15,000.....	\$405 plus 4.8% of excess over \$15,000

(D) For tax year 2015, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$15,000.....	2.7% of Kansas taxable income
Over \$15,000.....	\$405 plus 4.6% of excess over \$15,000

—(E) For tax year 2016:

If the taxable income is:	The tax is:
Not over \$15,000.....	2.4% of Kansas taxable income
Over \$15,000.....	\$360 plus 4.6% of excess over \$15,000

—(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

(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)~~ subsection (a)(2) hereof.

(e) Tax rates provided in this section shall be adjusted pursuant to the provisions of K.S.A. 2014 Supp. 79-32,269, and amendments thereto.

Sec. 25. K.S.A. 2014 Supp. 79-32,120 is hereby amended to read as follows: 79-32,120. (a) (1) 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.

(2) For the tax year commencing on January 1, 2013, 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, 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~~ years commencing on and after January 1, 2015, the Kansas itemized deduction of an individual means ~~60% of the total amount of following~~ 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: (A) 100% of charitable contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 50% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (C) 50% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.

~~(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.~~

(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. 2014 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.

~~(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.~~

~~(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.~~

Sec. 26. K.S.A. 2014 Supp. 79-32,267 is hereby amended to read as follows: 79-32,267. (a) For taxable years commencing after December 31, 2011, and before January 1, 2017, 2022, there shall be allowed as a credit against the tax liability of a resident individual taxpayer an amount equal to the resident individual's income tax liability under the provisions of the Kansas income tax act, when the resident individual:

(1) Establishes domicile in a rural opportunity zone on or after July 1, 2011, and

prior to January 1, ~~2016~~ 2021, and was domiciled outside this state for five or more years immediately prior to establishing their domicile in a rural opportunity zone in this state;

(2) had Kansas source income less than \$10,000 in any one year for five or more years immediately prior to establishing their domicile in a rural opportunity zone in this state; and

(3) was domiciled in a rural opportunity zone during the entire taxable year for which such credit is claimed.

(b) A resident individual may claim the credit authorized by this section for not more than five consecutive years following establishment of their domicile in a rural opportunity zone.

(c) The maximum amount of any refund under this section shall be equal to the amount withheld from the resident individual's wages or payments other than wages pursuant to K.S.A. 79-3294 et seq., and amendments thereto, or paid by the resident individual as estimated taxes pursuant to K.S.A. 79-32,101 et seq., and amendments thereto.

(d) No credit shall be allowed under this section if:

(1) The resident individual's income tax return on which the credit is claimed is not timely filed, including any extension; or

(2) the resident individual is delinquent in filing any return with, or paying any tax due to, the state of Kansas or any political subdivision thereof.

(e) This section shall be part of and supplemental to the Kansas income tax act.

Sec. 27. K.S.A. 2014 Supp. 79-32,269 is hereby amended to read as follows: 79-32,269. (a) (1) Except as provided in subsection (a)(2), commencing with fiscal year ~~2018~~ 2017, 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.

Sec. 28. K.S.A. 2014 Supp. 79-3301 is hereby amended to read as follows: 79-

3301. As used in K.S.A. 79-3301 et seq., and amendments thereto:

(a) "Carrier" means one who transports cigarettes from a manufacturer to a wholesale dealer or from one wholesale dealer to another.

(b) "Carton" means the container used by the manufacturer of cigarettes in which no more than 10 packages of cigarettes are placed prior to shipment from such manufacturer.

(c) "Cigarette" means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape, and irrespective of tobacco being flavored, adulterated or mixed with any other ingredient if the wrapper is in greater part made of any material except tobacco.

(d) "Consumer" means the person purchasing or receiving cigarettes ~~or~~ tobacco products or electronic cigarettes for final use.

(e) "Dealer" means any person who engages in the sale or manufacture of cigarettes or electronic cigarettes in the state of Kansas, and who is required to be licensed under the provisions of this act.

(f) "Dealer establishment" means any location or premises, other than vending machine locations, at or from which cigarettes or electronic cigarettes are sold, and where records are kept.

(g) "Director" means the director of taxation.

(h) "Distributor" means: (1) Any person engaged in the business of selling tobacco products or electronic cigarettes in this state who brings, or causes to be brought, into this state from outside the state any tobacco products or electronic cigarettes for sale;

(2) any person who makes, manufactures, fabricates or stores tobacco products or electronic cigarettes in this state for sale in this state; or

(3) any person engaged in the business of selling tobacco products or electronic cigarettes outside this state who ships or transports tobacco products or electronic cigarettes to any person in the business of selling tobacco products or electronic cigarettes in this state.

(i) "Division" means the division of taxation.

(j) "License" means the privilege of a licensee to sell cigarettes ~~or~~ tobacco products or electronic cigarettes in the state of Kansas, and the written evidence of such authority or privilege as issued by the director.

(k) "Licensee" means any person holding a current license issued pursuant to this act.

(l) "Manufacturer's salesperson" means a person employed by a cigarette manufacturer who sells cigarettes, manufactured by such employer and procured from wholesale dealers.

(m) "Meter imprints" means tax indicia applied by means of ink printing machines.

(n) (1) "Package" means a container in which no more than 25 individual cigarettes are wrapped and sealed by the manufacturer of cigarettes prior to shipment to a wholesale dealer;

(2) for the purposes of ~~subsections (u), (v) and (w) of K.S.A. 79-3321~~ (u), (v) and (w), and amendments thereto, "package" means the same as provided in 15 U.S.C. § 1332(4).

(o) "Person" means any individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity whether appointed by a court or

otherwise and any combination of individuals.

(p) "Received" means the coming to rest of cigarettes for sale by any dealer in the state of Kansas.

(q) "Retail dealer" means a person, other than a vending machine operator, in possession of cigarettes or electronic cigarettes for the purpose of sale to a consumer.

(r) "Sale" means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products or electronic cigarettes, with or without consideration.

(s) "Sample" means cigarettes or tobacco products distributed to members of the general public at no cost for purposes of promoting the product.

(t) "Self-service display" means a display that contains cigarettes or tobacco products and is located in an area openly accessible to a retail dealer's consumers, and from which such consumers can readily access cigarettes or tobacco products without the assistance of a salesperson. A display case that holds cigarettes or tobacco products behind locked doors does not constitute a self-service display.

(u) "Stamps" means tax indicia applied either by means of water applied gummed paper or heat process.

(v) "Tax indicia" means visible evidence of tax payment in the form of stamps or meter imprints.

(w) "Tobacco products" means cigars, cheroots, stogies, periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking. Tobacco products do not include cigarettes or electronic cigarettes.

(x) "Tobacco speciality store" means a dealer establishment that derives at least 75% of such dealer establishment's revenue from cigarettes or tobacco products.

(y) "Vending machine" means any coin operated machine, contrivance or device, by means of which merchandise may be sold.

(z) "Vending machine distributor" means any person who sells cigarette vending machines to a vending machine operator operating vending machines in the state of Kansas.

(aa) "Vending machine operator" means any person who places a vending machine, owned, leased or operated by such person, at locations where cigarettes are sold from such vending machine. The owner or lessee of the premises upon which a vending machine is placed shall not be considered the operator of the machine, nor shall the owner or lessee, or any employee or agent of the owner or lessee be considered an authorized agent of the vending machine operator, if the owner or lessee does not own or lease the machine and the owner's or lessee's sole remuneration from the machine is a flat rental fee or commission based upon the number or value of cigarettes sold from the machine, or a combination of both.

(bb) "Wholesale dealer" means any person who sells cigarettes to other wholesale dealers, retail dealers, vending machine operators and manufacturer's salespersons for the purpose of resale in the state of Kansas.

(cc) "Wholesale sales price" means the original net invoice price for which a manufacturer sells a tobacco product to a distributor, as shown by the manufacturer's

original invoice.

(dd) "Importer" means the same as provided in 26 U.S.C. § 5702(l).

(ee) "Manufacturer" means the same as provided in 26 U.S.C. § 5702(d).

(ff) "Electronic cigarette" means a battery-powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems. The term "electronic cigarette" includes consumable material but does not include any product regulated as a drug or device under chapter V of the federal food, drug and cosmetic act relating to tobacco cessation or nicotine replacement therapy.

(gg) "Consumable material" means any liquid nicotine solution or other substance containing nicotine that is sold, marketed or intended to be used in an electronic cigarette.

Sec. 29. K.S.A. 2014 Supp. 79-3310 is hereby amended to read as follows: 79-3310. There is imposed a tax upon all cigarettes sold, distributed or given away within the state of Kansas. ~~On and after July 1, 2002, and before January 1, 2003, the rate of such tax shall be \$.70 on each 20 cigarettes or fractional part thereof or \$.875 on each 25 cigarettes, as the case requires. On and after January 1, 2003~~ July 1, 2015, the rate of such tax shall be ~~\$.79~~ \$1.29 on each 20 cigarettes or fractional part thereof or ~~\$.99~~ \$1.61 on each 25 cigarettes, as the case requires. Such tax shall be collected and paid to the director as provided in this act. Such tax shall be paid only once and shall be paid by the wholesale dealer first receiving the cigarettes as herein provided.

The taxes imposed by this act are hereby levied upon all sales of cigarettes made to any department, institution or agency of the state of Kansas, and to the political subdivisions thereof and their departments, institutions and agencies.

Sec. 30. K.S.A. 2014 Supp. 79-3310c is hereby amended to read as follows: 79-3310c. ~~(+) On or before July 30, 2002~~ 31, 2015, each wholesale dealer, retail dealer and vending machine operator shall file a report with the director in such form as the director may prescribe showing cigarettes, cigarette stamps and meter imprints on hand at 12:01 a.m. on July 1, ~~2002~~ 2015. A tax of ~~\$.46~~ \$.50 on each 20 cigarettes or fractional part thereof or ~~\$.575~~ \$.62 on each 25 cigarettes, as the case requires and ~~\$.46 or \$.575~~ \$.50 or \$.62, as the case requires upon all tax stamps and all meter imprints purchased from the director and not affixed to cigarettes prior to July 1, ~~2002~~ 2015, is hereby imposed and shall be due and payable in equal installments on or before ~~July 30, 2002, on or before September 30, 2002, and on or before December 30, 2002~~ October 31, 2015. The tax imposed upon such cigarettes, tax stamps and meter imprints shall be imposed only once under this act. The director shall remit all moneys collected pursuant to this section to the state treasurer who shall credit the entire amount thereof to the state general fund.

~~(2) On or before January 30, 2003, each wholesale dealer, retail dealer and vending machine operator shall file a report with the director in such form as the director may prescribe showing cigarettes, cigarette stamps and meter imprints on hand at 12:01 a.m. on January 1, 2003. A tax of \$.09 on each 20 cigarettes or fractional part thereof or \$.115 on each 25 cigarettes, as the case requires and \$.09 or \$.115, as the case requires upon all tax stamps and all meter imprints purchased from the director and not affixed to cigarettes prior to January 1, 2003, is hereby imposed and shall be due and payable in equal installments on or before January 30, 2003, on or before March 30, 2003, and on or before June 30, 2003. The tax imposed upon such cigarettes, tax stamps and meter~~

imprints shall be imposed only once under this act. The director shall remit all moneys collected pursuant to this section to the state treasurer who shall credit the entire amount thereof to the state general fund.

Sec. 31. K.S.A. 2014 Supp. 79-3311 is hereby amended to read as follows: 79-3311. The director shall design and designate indicia of tax payment to be affixed to each package of cigarettes as provided by this act. The director shall sell water applied stamps only to licensed wholesale dealers in the amounts of 1,000 or multiples thereof. Stamps applied by the heat process shall be sold only in amounts of 30,000 or multiples thereof, except that such stamps which are suitable for packages containing 25 cigarettes each shall be sold in amounts prescribed by the director. Meter imprints shall be sold only in amounts of 10,000 or multiples thereof. Water applied stamps in amounts of 10,000 or multiples thereof and stamps applied by the heat process and meter imprints shall be supplied to wholesale dealers at a discount of ~~90% on and after July 1, 2002, and before January 1, 2003, and 80%~~ 0.55% on and after July 1, 2015, and thereafter, from the face value thereof, and shall be deducted at the time of purchase or from the remittance therefor as hereinafter provided. Any wholesale cigarette dealer who shall file with the director a bond, of acceptable form, payable to the state of Kansas with a corporate surety authorized to do business in Kansas, shall be permitted to purchase stamps, and remit therefor to the director within 30 days after each such purchase, up to a maximum outstanding at any one time of 85% of the amount of the bond. Failure on the part of any wholesale dealer to remit as herein specified shall be cause for forfeiture of such dealer's bond. All revenue received from the sale of such stamps or meter imprints 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 cigarette tax refund fund and shall credit the remaining balance to the state general fund. A refund fund designated the cigarette tax refund fund not to exceed \$10,000 at any time shall be set apart and maintained by the director from taxes collected under this act and held by the state treasurer for prompt payment of all refunds authorized by this act. Such cigarette tax refund fund shall be in such amount as the director shall determine is necessary to meet current refunding requirements under this act.

The wholesale cigarette dealer shall affix to each package of cigarettes stamps or tax meter imprints required by this act prior to the sale of cigarettes to any person, by such dealer or such dealer's agent or agents, within the state of Kansas. The director is empowered to authorize wholesale dealers to affix revenue tax meter imprints upon original packages of cigarettes and is charged with the duty of regulating the use of tax meters to secure payment of the proper taxes. No wholesale dealer shall affix revenue tax meter imprints to original packages of cigarettes without first having obtained permission from the director to employ this method of affixation. If the director approves the wholesale dealer's application for permission to affix revenue tax meter imprints to original packages of cigarettes, the director shall require such dealer to file a suitable bond payable to the state of Kansas executed by a corporate surety authorized to do business in Kansas. The director may, to assure the proper collection of taxes imposed by the act, revoke or suspend the privilege of imprinting tax meter imprints upon original packages of cigarettes. All meters shall be under the direct control of the director, and all transfer assignments or anything pertaining thereto must first be

authorized by the director. All inks used in the stamping of cigarettes must be of a special type devised for use in connection with the machine employed and approved by the director. All repairs to the meter are strictly prohibited except by a duly authorized representative of the director. Requests for service shall be directed to the director. Meter machine ink imprints on all packages shall be clear and legible. If a wholesale dealer continuously issues illegible cigarette tax meter imprints, it shall be considered sufficient cause for revocation of such dealer's permit to use a cigarette tax meter.

A licensed wholesale dealer may, for the purpose of sale in another state, transport cigarettes not bearing Kansas indicia of tax payment through the state of Kansas provided such cigarettes are contained in sealed and original cartons.

Sec. 32. K.S.A. 2014 Supp. 79-3312 is hereby amended to read as follows: 79-3312. The director shall redeem any unused stamps or meter imprints that any wholesale dealer presents for redemption within six months after the purchase thereof, at the face value less ~~90% on and after July 1, 2002, and before January 1, 2003, and 80% thereafter~~ 0.55% thereof if such stamps or meter imprints have been purchased from the director. The director shall prepare a voucher showing the net amount of such refund due, and the director of accounts and reports shall draw a warrant on the state treasurer for the same. Wholesale dealers shall be entitled to a refund of the tax paid on cigarettes which have become unfit for sale upon proof thereof less ~~90% on and after July 1, 2002, and before January 1, 2003, and 80% thereafter~~ 0.55% of such tax.

Sec. 33. K.S.A. 2014 Supp. 79-3334 is hereby amended to read as follows: 79-3334. (a) The Kansas department of revenue shall publish a list of active cigarette ~~and~~ or electronic cigarettes licensees and shall update such list monthly.

(b) The list of active cigarette ~~and~~ or electronic cigarettes licensees published as provided in subsection (a) shall contain the following information: County name, owner, business name, address, license type and license number.

(c) The provisions of this section shall be part of and supplemental to the Kansas cigarette and tobacco products act.

Sec. 34. K.S.A. 79-3373 is hereby amended to read as follows: 79-3373. No person shall engage in the business of selling or dealing in tobacco products or electronic cigarettes as a distributor in this state without first having received a license from the director. Every application for such license shall be made on a form prescribed by the director and shall state the name and address of the applicant; if the applicant is a firm, partnership or association, the name and address of each of its members; if the applicant is a corporation, the name and address of each of its officers; the address of its principal place of business; the place where the business to be licensed is to be conducted; and such other information as the director may require for the purpose of the administration of this act. A person outside this state who ships or transports tobacco products or electronic cigarettes to retailers in this state, to be sold by those retailers, may make application for license as a distributor, be granted such a license by the director and thereafter be subject to all the provisions of this act and entitled to act as a licensed distributor if the person files with the application proof that the person has appointed the secretary of state as the person's agent for service of process relating to any matter or issue arising under this act.

Sec. 35. K.S.A. 79-3377 is hereby amended to read as follows: 79-3377. (a) Each distributor shall keep in each licensed place of business complete and accurate records for that place of business, including itemized invoices of: (1) Tobacco products or

electronic cigarettes held, purchased, manufactured, brought in or caused to be brought in from outside the state or shipped or transported to retailers in this state; and (2) all sales of tobacco products or electronic cigarettes made, except sales to an ultimate consumer. Such records shall show the names and addresses of purchasers and other pertinent papers and documents relating to the purchase, sale or disposition of tobacco products or electronic cigarettes. When a licensed distributor sells tobacco products or electronic cigarettes exclusively to ultimate consumers at the addresses given in the license, no invoice of those sales shall be required, but itemized invoices shall be made of all tobacco products or electronic cigarettes transferred to other retail outlets owned or controlled by that licensed distributor. All books, records and other papers and documents required by this subsection to be kept shall be preserved for a period of at least three years after the date of the documents or the date of the entries thereof appearing in the records, unless the director, in writing, authorizes their destruction or disposal at an earlier date.

(b) At any time during usual business hours duly authorized agents or employees of the director may enter any place of business of a distributor and inspect the premises, the records required to be kept under this act and the tobacco products or electronic cigarettes contained therein, to determine whether or not all the provisions of this act are being fully complied with. Refusal to permit such inspection by a duly authorized agent or employee of the director shall be grounds for revocation of the license.

(c) Each person who sells tobacco products or electronic cigarettes to persons other than an ultimate consumer shall render with each sale itemized invoices showing the seller's name and address, the purchaser's name and address, the date of sale and all prices and discounts. Such person shall preserve legible copies of all such invoices for three years after the date of sale.

(d) Each distributor shall procure itemized invoices of all tobacco products or electronic cigarettes purchased. The invoices shall show the name and address of the seller and the date of purchase. The distributor shall preserve a legible copy of each such invoice for three years after the date of purchase. Invoices shall be available for inspection by authorized agents or employees of the director at the distributor's place of business.

Sec. 36. K.S.A. 79-3378 is hereby amended to read as follows: 79-3378. On or before the ~~twentieth~~ 20<sup>th</sup> day of each calendar month every distributor with a place of business in this state shall file a return with the director showing the quantity and wholesale sales price of each tobacco product, or with regards to electronic cigarettes, the quantity in milliliters of consumable material for electronic cigarettes: ~~(+)~~ (a) Brought, or caused to be brought, into this state for sale; and ~~(-)~~ (b) made, manufactured, or fabricated in this state for sale in this state during the preceding calendar month. Every licensed distributor outside this state shall in like manner file a return showing the quantity and wholesale sales price of each tobacco product, or with regards to electronic cigarettes, the quantity in milliliters of consumable material for electronic cigarettes, shipped or transported to retailers in this state to be sold by those retailers, during the preceding calendar month. Returns shall be made upon forms furnished and prescribed by the director. Each return shall be accompanied by a remittance for the full tax liability shown therein, less ~~four percent (4%)~~ 4% of such liability as compensation to reimburse the distributor for ~~his or her~~ such distributor's expenses incurred in the administration of this act. As soon as practicable after any

return is filed, the director shall examine the return. If the director finds that, in ~~his or her~~ the director's judgment, the return is incorrect and any amount of tax is due from the distributor and unpaid, ~~he or she~~ the director shall notify the distributor of the deficiency. If a deficiency disclosed by the director's examination cannot be allocated by ~~him~~ the director to a particular month or months, ~~he or she~~ the director may nevertheless notify the distributor that a deficiency exists and state the amount of tax due. Such notice shall be given to the distributor by registered or certified mail.

Sec. 37. K.S.A. 2014 Supp. 79-3606 is hereby amended to read as follows: 79-3606. 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 and electronic cigarettes as defined by K.S.A. 79-3301, and amendments thereto, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased

directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the

department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in ~~subsection (g) of~~ K.S.A. 79-3615(h), and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in ~~subsection (g) of~~ K.S.A. 79-3615(h), 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 (c)~~ of K.S.A. 79-3603~~(c)~~<sup>(o)</sup>, and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by ~~subsection (e) of~~ K.S.A. 74-5807(c), 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. 2014 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(k), 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(h), 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; (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); (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to

administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of

providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's disease and related disorders association, inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs

to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers

shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. Nothing in this subsection shall be deemed to exempt the purchase of any construction

machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west Sedgwick county-sunrise rotary club and sunrise charitable fund for the purpose of

constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in ~~subsection (g) of~~ K.S.A. 79-3615(h), and amendments thereto;

(iiii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children's home for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. Nothing in this subsection shall be

deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for Wichita children's home. When Wichita children's home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to Wichita children's home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided for in ~~subsection (h)~~ of K.S.A. 79-3615(h), and amendments thereto;

(jjjj) all sales of tangible personal property or services purchased by or on behalf of the beacon, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need; and

(kkkk) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community.

Sec. 38. K.S.A. 2014 Supp. 79-3695 is hereby amended to read as follows: 79-3695. If any contractor has entered into a written binding contract prior to May 1, ~~2010~~ 2015, for the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a building, facility or residential structure, or for the construction, reconstruction, restoration, replacement or repair of a bridge or highway, the state sales tax applicable to such contracts shall be remitted at the rate in effect prior to the state sales tax increase scheduled to take effect on July 1, ~~2010~~ 2015, if the contractor gives notice and proof of such contract to the director of taxation on or

before July 10, ~~2010~~ 2015, which notice and proof shall be in such form and of such sufficiency as the director shall prescribe.

Sec. 39. K.S.A. 19-26,111, 79-3373, 79-3377, 79-3378 and 79-5108 and K.S.A. 2014 Supp. 12-187, 12-189, 12-192, 12-3915, 12-5909, 72-99a02, as amended by section 67 of 2015 House Substitute for Senate Bill No. 7, 72-99a03, 72-99a04, 74-50,208, 74-50,223, 79-2925b, 79-32,110, 79-32,117, 79-32,120, 79-32,265, 79-32,267, 79-32,269, 79-32,270, 79-3301, 79-3310, 79-3310c, 79-3311, 79-3312, 79-3334, 79-3602, 79-3603, as amended by section 20 of 2015 Senate Substitute for House Bill No. 2155, 79-3606, 79-3620, 79-3695, 79-3703 and 79-3710 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 13 through 20; in line 21, by striking all before the last comma and inserting "; sales and compensating use tax, rates, distribution thereof, food; income tax, subtraction modifications, credits, individual development accounts, low income scholarship program; motor vehicle taxation; taxation of cigarettes and electronic cigarettes; sales tax authority for Bourbon, Douglas and Thomas counties; property taxation, consolidated fire districts; rural opportunity zones; land banks; creating the joint committee on tax exemptions and income tax credits; amending K.S.A. 19-26,111, 79-3373, 79-3377, 79-3378 and 79-5108 and K.S.A. 2014 Supp. 12-187, 12-189, 12-192, 12-3915, 12-5909, 72-99a02, as amended by section 67 of 2015 House Substitute for Senate Bill No. 7, 72-99a03, 72-99a04, 74-50,208, 74-50,223, 79-2925b, 79-32,110, 79-32,117, 79-32,120, 79-32,265, 79-32,267, 79-32,269, 79-3301, 79-3310, 79-3310c, 79-3311, 79-3312, 79-3334, 79-3602"; in line 25, after "79-3620," by inserting "79-3695, "; in line 26, before the period by inserting "; also repealing K.S.A. 2014 Supp. 79-32,270";

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

LES DONOVAN

CARYN TYSON

*Conferees on part of Senate*

MARVIN KLEEB

GENE SUELLENTROP

*Conferees on part of House*

The motion of Senator Donovan to adopt the conference committee report on **S Sub HB 2109** failed.

On roll call, the vote was: Yeas 5; Nays 34; Present and Passing 0; Absent or Not Voting 1.

Yeas: Bruce, LaTurner, Masterson, Powell, Wagle.

Nays: Abrams, Baumgardner, Bowers, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, Longbine, Love, Lynn, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, Schmidt, Smith, Tyson, Wilborn, Wolf.

Absent or Not Voting: Arpke.

The Conference Committee Report was not adopted

#### EXPLANATION OF VOTE

Madam President: I vote "No" on **S Sub HB 2109**. This legislation does nothing for the working poor, it removes a measure that would have allowed a Tax Exemption for

the lowest earners in Kansas. It would also repeal a tax credit previously allowed for certain individuals for food sales tax, which is a benefit to our citizens and people with disabilities. This bill is unfair! I vote "No!"—OLETHA FAUST-GOUDEAU

Madam President: I vote "No" on **S Sub HB 2109**. This bill provides for the highest tax increase ever, but NO change to the income tax problem that has put the state of Kansas in a \$400 million dollar hole. **S Sub HB 2109** also impacts cities' and counties' ability to manage their budgets to provide the services our constituents expect. This was done without ever going through the legislative process. After 107 days we should have a tax plan that is sustainable and funds our necessary state services without going after cities, counties and schools.—PAT PETTEY

The conference committee report on **S Sub HB 2109** includes many policy directions that help close our shortfall and balance our budget. It also includes policy I believe needs to be modified in order to provide a stable, predictable economic environment for Kansas families and businesses. However on this, the 107th day of session, knowing this is not the final resolution to our shortfall, I vote "Aye" to keep the legislative process moving towards resolution of differences.—SUSAN WAGLE

Senators Masterson and Powell request the record to show they concur with the "Explanation of Vote" offered by Senator Wagle on **S Sub HB 2109**.

#### **ORIGINAL MOTION**

Having voted on the prevailing side on **S Sub HB 2109**, Senator King moved the Senate reconsider its action on **S Sub HB 2109** to adopt the conference committee report and appoint a third conference.

The motion of Senator King to not adopt the conference committee report on **S Sub HB 2109** and appoint new conferees prevailed.

The President appointed Senators Donovan, Tyson and Holland as third conferees on the part of the Senate.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **SB 11**, as amended by **H Sub SB 11**.

#### **ORIGINAL MOTION**

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **H Sub SB 11**.

#### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator Masterson moved the Senate concur in House amendments to **H Sub SB 11**.

**H Sub SB 11**, AN ACT concerning state officers and employees; relating to duties of the secretary of administration; concerning essential state employees; amending K.S.A. 2014 Supp. 75-3747 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Arpke.

The Senate concurred.

#### EXPLANATION OF VOTE

Madam President: Today I stand here to strongly support **H Sub SB 11**, deeming all state employees essential. State employees provide vital services to all Kansans and often times do so with few resources and little recognition. It has been my honor to represent so many hard working people and I am insulted that they would be used as pawns in the waning hours of this legislative session. We have had 107 days to balance the budget and we should not risk the livelihoods of our state employees because we couldn't come to a consensus. I hope you will join me in fighting for the thousands of hardworking Kansans who keep this state running by voting "Yea" on **H Sub SB 11**.—

VICKI SCHMIDT

Senators Fitzgerald, Francisco, Haley, Hawk, Holland, Holmes, Kelly, Longbine, Lynn, McGinn and Olson request the record to show they concur with the "Explanation of Vote" offered by Senator Schmidt on **H Sub SB 11**.

Madam President: I vote "Yes" on **H Sub SB 11**. As the regular work week came to a close yesterday afternoon, thousands of state employees went home uncertain of when they will receive their next paycheck. State employees commit their lives to serving Kansas year-round. They deserve to receive their paychecks as scheduled and the people of Kansas deserve to have service continue without interruption. State employees have families. They all have bills to pay, food to buy, and responsibilities they cannot shirk simply because the Kansas Legislature has failed to do its job. They, too, are taxpayers and help pay for the services state government provides and, ironically, help pay for their own salaries. Thousands of state employees received letters yesterday notifying them that they are "nonessential." This bill provides that all state employees are essential and thereby avoids furloughs. This or any future Legislature should never again allow state employees to be held as hostages to the political process. Instead, we should always treat state employees with the dignity and respect they deserve. That is why I strongly support this bill. —ANTHONY HENSLEY

On motion of Senator Bruce the Senate recessed until 5:00 p.m.

The Senate met pursuant 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. 1754—

A RESOLUTION recognizing the observance of an annual Juneteenth Day.

WHEREAS, The Kansas Senate acknowledged its support for Juneteenth Day in 2007 and 2011; and

WHEREAS, June 19<sup>th</sup>, the oldest known celebration of the ending of slavery, is known in many places as "Juneteenth Day"; and

WHEREAS, News of the end of slavery did not reach frontier areas of the United States for more than two years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War; and

WHEREAS, On June 19<sup>th</sup>, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free; and

WHEREAS, News of the end of slavery did not have the same impact on Kansas because Kansas was established as and remained a "free" state; and

WHEREAS, Many African-Americans continue the tradition of celebrating Juneteenth Day as inspiration and encouragement for future generations, and for more than 140 years, Juneteenth Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures; and

WHEREAS, Although Juneteenth Day is beginning to be recognized as a national, and even global event, the history behind the celebration should not be forgotten; and

WHEREAS, The faith and strength of character demonstrated by former slaves remain examples for all people of the United States, regardless of background, religion or race: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize the historical significance of Juneteenth Day, support the continued celebration of Juneteenth Day to provide an opportunity for the people of the State of Kansas to learn more about the past, to better understand the experiences that have shaped the nation and encourage the people of the State of Kansas to observe Juneteenth Day with appropriate ceremonies, activities and programs; and

*Be it further resolved:* That the Secretary of the Senate shall send two enrolled copies of this resolution to Senator Haley and one enrolled copy to Senator Faust-Goudeau.

On emergency motion of Senator Haley **SR 1754** was adopted by voice vote.

#### **CHANGE OF CONFERENCE**

The Vice President announced the appointment of Senator Donovan as a member of the Conference Committee on **HB 2142** to replace Senator Longbine.

The Vice President announced the appointment of Senator Tyson as a member of the Conference Committee on **HB 2142** to replace Senator Bowers.

The Vice President announced the appointment of Senator Holland as a member of the Conference Committee on **HB 2142** to replace Senator Kelly.

#### **ORIGINAL MOTION**

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **S Sub HB 2281**.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2281** 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. 2281, as follows:

On page 2, in line 4, by striking "December 31, 2017" and inserting "July 1, 2018"; by striking all in lines 5 through 43;

By striking all on pages 3 through 11;

On page 12, by striking all in lines 1 through 4; following line 4, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 39-709, as amended by section 9 of 2015 Senate Substitute for House Bill No. 2258, 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 or cohabiting partners 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, cohabiting partner 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 temporary assistance for needy families, for food assistance and for any other assistance provided through the Kansas department for children and families under which federal moneys are expended, the secretary for children and families shall consider one motor vehicle owned by the applicant for assistance, regardless of the value of such vehicle, as exempt personal property and shall consider any equity in any boat, personal water craft, recreational vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle owned by the applicant for assistance to be a nonexempt resource of the applicant for assistance except that any additional motor vehicle used by the applicant, the applicant's spouse or the applicant's cohabiting partner for the primary purpose of earning income may be considered as exempt personal property in the secretary's discretion.

(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) *Temporary assistance for needy families.* 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 temporary assistance for needy families. On and after January 1, 2017, the department shall conduct an electronic check for any false information provided on an application for TANF and other benefits programs administered by the

department. Where the husband and wife or cohabiting partners are living together, both shall register for work under the program requirements for temporary assistance for needy families in accordance with criteria and guidelines prescribed by rules and regulations of the secretary.

(1) As used in this subsection, "family group" or "household" means the applicant or recipient for TANF, child care subsidy or employment services and all individuals living together in which there is a relationship of legal responsibility or a qualifying caretaker relationship. This will include a cohabiting boyfriend or girlfriend living with the person legally responsible for the child. The family group shall not be eligible for TANF if the family group contains at least one adult member who has received TANF, including the federal TANF assistance received in any other state, for 36 calendar months beginning on and after October 1, 1996, unless the secretary determines a hardship exists and grants an extension allowing receipt of TANF until the 48-month limit is reached. No extension beyond 48 months shall be granted. Hardship provisions for a recipient include:

- (A) Is a caretaker of a disabled family member living in the household;
- (B) has a disability which precludes employment on a long-term basis or requires substantial rehabilitation;
- (C) needs a time limit extension to overcome the effects of domestic violence/sexual assault;
- (D) is involved with prevention and protection services (PPS) and has an open social service plan; or
- (E) is determined by the 36<sup>th</sup> month to have an extreme hardship other than what is designated in criteria listed in subparagraphs (A) through (E). This determination will be made by the executive review team.

(2) All adults applying for TANF shall be required to complete a work program assessment as specified by the Kansas department for children and families, including those who have been disqualified for or denied TANF due to non-cooperation, drug testing requirements or fraud. Adults who are not otherwise eligible for TANF, such as ineligible aliens, relative/non-relative caretakers and adults receiving supplemental security income are not required to complete the assessment process. During the application processing period, applicants must complete at least one module or its equivalent of the work program assessment to be considered eligible for TANF benefits, unless good cause is found to be exempt from the requirements. Good cause exemptions shall only include:

- (A) The applicant can document an existing certification verifying completion of the work program assessment;
- (B) the applicant has a valid offer of employment or is employed a minimum of 20 hours a week;
- (C) the applicant is a parenting teen without a GED or high school diploma;
- (D) the applicant is enrolled in job corps;
- (E) the applicant is working with a refugee social services agency; or
- (F) the applicant has completed the work program assessment within the last 12 months.

(3) The department for children and families shall maintain a sufficient level of dedicated work program staff to enable the agency to conduct work program case management services to TANF recipients in a timely manner and in full accordance

with state law and agency policy.

(4) TANF mandatory work program applicants and recipients shall participate in work components that lead to competitive, integrated employment. Components are defined by the federal government as being either primary or secondary. In order to meet federal work participation requirements, households need to meet at least 30 hours of participation per week, at least 20 hours of which need to be primary and at least 10 hours may be secondary components in one parent households where the youngest child is six years of age or older. Participation hours shall be 55 hours in two parent households (35 hours per week if child care is not used). The maximum assignment is 40 hours per week per individual. For two parent families to meet the federal work participation rate both parents must participate in a combined total of 55 hours per week, 50 hours of which must be in primary components, or one or both parents could be assigned a combined total of 35 hours per week (30 hours of which must be primary components) if department for children and families paid child care is not received by the family. Single parent families with a child under age six meet the federal participation requirement if the parent is engaged in work or work activities for at least 20 hours per week in a primary work component. The following components meet federal definitions of primary hours of participation: Full or part-time employment, apprenticeship, work study, self-employment, job corps, subsidized employment, work experience sites, on-the-job training, supervised community service, vocational education, job search and job readiness. Secondary components include: Job skills training, education directly related to employment such as adult basic education and English as a second language, and completion of a high school diploma or GED.

(5) A parent or other adult caretaker personally providing care for a child under the age of three months in their TANF household is exempt from work participation activities until the month the child turns three months of age. Such three-month limitation shall not apply to a parent or other adult caretaker who is personally providing care for a child born significantly premature, with serious medical conditions or with a disability as defined by the secretary, in consultation with the secretary of health and environment, and adopted in the rules and regulations. The three-month period is defined as two consecutive months starting with the month after childbirth. The exemption for caring for a child under three months cannot be claimed:

(A) By either parent when two parents are in the home and the household meets the two-parent definition for federal reporting purposes;

(B) by one parent or caretaker when the other parent or caretaker is in the home, and available, capable and suitable to provide care and the household does not meet the two-parent definition for federal reporting purposes;

(C) by a person age 19 or younger when such person is pregnant or a parent of a child in the home and the person does not possess a high school diploma or its equivalent. Such person shall become exempt the month such person turns age 20;

(D) by any adult in the TANF assistance plan when at least one adult has reached the 36 months of TANF cash assistance; or

(E) by any person assigned to a work participation activity for substance use disorders.

(6) TANF work experience placements shall be reviewed after 90 days and are limited to six months per 48-month lifetime limit. A client's progress shall be reviewed prior to each new placement regardless of the length of time they are at the work

experience site.

(7) TANF participants with disabilities shall engage in required employment activities to the maximum extent consistent with their abilities. TANF participants shall provide current documentation by a qualified medical practitioner that details the abilities to engage in employment and any limitations in work activities along with the expected duration of such limitations. Disability is defined as a physical or mental impairment constituting or resulting in a substantial impediment to employment for such individual.

(8) Non-cooperation is the failure of the applicant or recipient to comply with all requirements provided in state and federal law, federal and state rules and regulations and agency policy. The period of ineligibility for TANF benefits based on non-cooperation with work programs shall be as follows:

(A) For a first penalty, three months and full cooperation with work program activities;

(B) for a second penalty, six months and full cooperation with work program activities;

(C) for a third penalty, one year and full cooperation with work program activities; and

(D) for a fourth or subsequent penalty, 10 years.

(9) Individuals that have not cooperated with TANF work programs shall be ineligible to participate in the food assistance program. The comparable penalty shall be applied to only the individual in the food assistance program who failed to comply with the TANF work requirement. The agency shall impose the same penalty to the member of the household who failed to comply with TANF requirements. The penalty periods are three months, six months, one year, or 10 years.

(10) Non-cooperation is the failure of the applicant or recipient to comply with all requirements provided in state and federal law, federal and state rules and regulations and agency policy. The period of ineligibility for child care subsidy or TANF benefits based on parents' non-cooperation with child support services shall be as follows:

(A) For the first penalty, three months and cooperation with child support services prior to regaining eligibility;

(B) for a second penalty, six months and cooperation with child support services prior to regaining eligibility;

(C) for a third penalty, one year and cooperation with child support services prior to regaining eligibility; and

(D) for a fourth penalty, 10 years.

(11) Individuals that have not cooperated without good cause with child support services shall be ineligible to participate in the food assistance program. The period of disqualification ends once it has been determined that such individual is cooperating with child support services.

(12) Any individual who is found to have committed fraud or is found guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2014 Supp. 21-5801, and amendments thereto, in either the TANF or child care program shall render all adults in the family unit ineligible for TANF assistance. Adults in the household who were determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2014 Supp. 21-5801, and amendments thereto, shall render themselves and all adult household members ineligible for their lifetime for TANF, even

if fraud was committed in only one program. Households who have been determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2014 Supp. 21-5801, and amendments thereto, shall be required to name a protective payee as approved by the secretary or the secretary's designee to administer TANF benefits or food assistance on behalf of the children. No adult in a household may have access to the TANF cash assistance benefit.

(13) (A) Food assistance shall not be provided to any person convicted of a felony offense occurring on or after July 1, 2015, which includes as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog. For food assistance, the individual shall be permanently disqualified if they have been convicted of a state or federal felony offense occurring on or after July 1, 2015, involving possession or use of a controlled substance or controlled substance analog.

(B) Notwithstanding the provisions of subparagraph (A), an individual shall be eligible for food assistance if the individual enrolls in and participates in a drug treatment program approved by the secretary, submits to and passes a drug test and agrees to submit to drug testing if requested by the department pursuant to a drug testing plan.

An individual's failure to submit to testing or failure to successfully pass a drug test shall result in ineligibility for food assistance until a drug test is successfully passed. Failure to successfully complete a drug treatment program shall result in ineligibility for food assistance until a drug treatment plan approved by the secretary is successfully completed, the individual passes a drug test and agrees to submit to drug testing if requested by the department pursuant to a drug testing plan.

(C) The provisions of subparagraph (B) shall not apply to any individual who has been convicted for a second or subsequent felony offense as provided in subparagraph (A).

(14) No TANF cash assistance shall be used to purchase alcohol, cigarettes, tobacco products, lottery tickets, concert tickets, professional or collegiate sporting event tickets or tickets for other entertainment events intended for the general public or sexually oriented adult materials. No TANF cash assistance shall be used in any retail liquor store, casino, gaming establishment, jewelry store, tattoo parlor, massage parlor, body piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store, vapor cigarette store, psychic or fortune telling business, bail bond company, video arcade, movie theater, swimming pool, cruise ship, theme park, dog or horse racing facility, parimutuel facility, or sexually oriented business or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any business or retail establishment where minors under age 18 are not permitted. TANF cash assistance transactions for cash withdrawals from automated teller machines shall be limited to \$25, per transaction and to one transaction per day. No TANF cash assistance shall be used for purchases at points of sale outside the state of Kansas. The secretary for children and families is authorized to raise or rescind the automated teller machine withdrawal limit established by this section in order to ensure continued appropriation of the TANF block grant through compliance with the provisions of the middle class tax relief and job creation act of 2012 which govern adequate access to cash assistance.

(15) (A) The secretary for children and families shall place a photograph of the

recipient, if agreed to by such recipient of public assistance, on any Kansas benefits card issued by the Kansas department for children and families that the recipient uses in obtaining food, cash or any other services. When a recipient of public assistance is a minor or otherwise incapacitated individual, a parent or legal guardian of such recipient may have a photograph of such parent or legal guardian placed on the card.

(B) Any Kansas benefits card with a photograph of a recipient shall be valid for voting purposes as a public assistance identification card in accordance with the provisions of K.S.A. 25-2908, and amendments thereto.

(C) As used in this paragraph and its subparagraphs, "Kansas benefits card" means any card issued to provide food assistance, cash assistance or child care assistance, including, but not limited to, the vision card, EBT card and Kansas benefits card.

(16) The secretary for children and families shall adopt rules and regulations:

(A) In determining eligibility for the child care subsidy program, including an income of a cohabiting partner in a child care household; and

(B) in determining and maintaining eligibility for non-TANF child care, requiring that all included adults shall be employed a minimum of 20 hours per week or more as defined by the secretary or meet the following specific qualifying exemptions:

(i) Adults who are not capable of meeting the requirement due to a documented physical or mental condition;

(ii) adults who are former TANF recipients who need child care for employment after their TANF case has closed and earned income is a factor in the closure in the two months immediately following TANF closure;

(iii) adult parents included in a case in which the only child receiving benefits is the child of a minor parent who is working on completion of high school or obtaining a GED; or

(iv) adults who are participants in a mandatory food assistance education and training program.

The department for children and families shall provide child care for the pursuit of any degree or certification if the occupation has at least an average job outlook listed in the occupational outlook of the U.S. department of labor, bureau of labor statistics. For occupations with less than an average job outlook, educational plans shall require approval of the secretary or secretary's designee. Child care may also be approved if the student provides verification of a specific job offer that will be available to such student upon completion of the program. Child care for post-secondary education shall be allowed for a lifetime maximum of 24 months per adult. The 24 months may not have to be consecutive. Students shall be engaged in paid employment for a minimum of 15 hours per week. In a two-parent adult household, child care would not be allowed if both parents are adults and attending a formal education or training program at the same time. The household may choose which one of the parents is participating as a post-secondary student. The other parent shall meet another approvable criteria for child care subsidy.

(17) The secretary for children and families is prohibited from requesting or implementing a waiver or program from the U.S. department of agriculture for the time limited assistance provisions for able-bodied adults aged 18 through 49 without dependents in a household under the food assistance program. The time on food assistance for able-bodied adults aged 18 through 49 without dependents in the household shall be limited to three months in a 36-month period if such adults are not

meeting the requirements imposed by the U.S. department of agriculture that they must work for at least 20 hours per week or participate in a federally approved work program or its equivalent.

(18) Eligibility for the food assistance program shall be limited to those individuals who are citizens or who meet qualified non-citizen status as determined by U.S. department of agriculture. Non-citizen individuals who are unable or unwilling to provide qualifying immigrant documentation, as defined by the U.S. department of agriculture, residing within a household shall not be included when determining the household's size for the purposes of assigning a benefit level to the household for food assistance or comparing the household's monthly income with the income eligibility standards. The gross non-exempt earned and unearned income and resources of disqualified individuals shall be counted in its entirety as available to the remaining household members.

(19) The secretary for children and families shall not enact the state option from the U.S. department of agriculture for broad-based categorical eligibility for households applying for food assistance according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).

(20) No federal or state funds shall be used for television, radio or billboard advertisements that are designed to promote food assistance benefits and enrollment. No federal or state funding shall be used for any agreements with foreign governments designed to promote food assistance.

(21) (A) The secretary for children and families shall not apply gross income standards for food assistance higher than the standards specified in 7 U.S.C. § 2014(c) unless expressly required by federal law. Categorical eligibility exempting households from such gross income standards requirements shall not be granted for any non-cash, in-kind or other benefit unless expressly required by federal law.

(B) The secretary for children and families shall not apply resource limits standards for food assistance that are higher than the standards specified in 7 U.S.C. § 2014(g)(1) unless expressly required by federal law. Categorical eligibility exempting households from such resource limits shall not be granted for any non-cash, in-kind or other benefit unless expressly required by federal law.

(c) *Temporary assistance for needy families; assignment of support rights and limited power of attorney.* By applying for or receiving temporary assistance for needy families 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 temporary assistance for needy families, 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) *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 K.S.A. 16-303(c), and amendments thereto, from the eligibility requirements of applicants for and recipients of medical assistance. Such assistance shall be known as medical assistance.

(2) For the purposes of medical assistance eligibility determinations on or after July 1, 2004, if an applicant or recipient owns property in joint tenancy with some other party and the applicant or recipient of medical assistance has restricted or conditioned their interest in such property to a specific and discrete property interest less than 100%, then such designation will cause the full value of the property to be considered an available resource to the applicant or recipient. Medical assistance eligibility for receipt of benefits under the title XIX of the social security act, commonly known as medicaid, shall not be expanded, as provided for in the patient protection and affordable care act, public law 111-148, 124 stat. 119, and the health care and education reconciliation act of 2010, public law 111-152, 124 stat. 1029, unless the legislature expressly consents to, and approves of, the expansion of medicaid services by an act of the legislature.

(3) (A) Resources from trusts shall be considered when determining eligibility of a trust beneficiary for medical assistance. Medical assistance is to be secondary to all resources, including trusts, that may be available to an applicant or recipient of medical assistance.

(B) If a trust has discretionary language, the trust shall be considered to be an available resource to the extent, using the full extent of discretion, the trustee may make any of the income or principal available to the applicant or recipient of medical assistance. Any such discretionary trust shall be considered an available resource unless: (i) At the time of creation or amendment of the trust, the trust states a clear intent that the trust is supplemental to public assistance; and (ii) the trust: (a) Is funded from resources of a person who, at the time of such funding, owed no duty of support to the applicant or recipient of medical assistance; or (b) is funded not more than nominally from resources of a person while that person owed a duty of support to the applicant or recipient of medical assistance.

(C) For the purposes of this paragraph, "public assistance" includes, but is not

limited to, medicaid, medical assistance or title XIX of the social security act.

(4) (A) When an applicant or recipient of medical assistance is a party to a contract, agreement or accord for personal services being provided by a nonlicensed individual or provider and such contract, agreement or accord involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits, or other related issues, any moneys paid under such contract, agreement or accord shall be considered to be an available resource unless the following restrictions are met: (i) The contract, agreement or accord must be in writing and executed prior to any services being provided; (ii) the moneys paid are in direct relationship with the fair market value of such services being provided by similarly situated and trained nonlicensed individuals; (iii) if no similarly situated nonlicensed individuals or situations can be found, the value of services will be based on federal hourly minimum wage standards; (iv) such individual providing the services will report all receipts of moneys as income to the appropriate state and federal governmental revenue agencies; (v) any amounts due under such contract, agreement or accord shall be paid after the services are rendered; (vi) the applicant or recipient shall have the power to revoke the contract, agreement or accord; and (vii) upon the death of the applicant or recipient, the contract, agreement or accord ceases.

(B) When an applicant or recipient of medical assistance is a party to a written contract for personal services being provided by a licensed health professional or facility and such contract involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits or other related issues, any moneys paid in advance of receipt of services for such contracts shall be considered to be an available resource.

(5) Any trust may be amended if such amendment is permitted by the Kansas uniform trust code.

(e) *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.

(f) *Medical assistance; assignment of rights to medical support and limited power of attorney; recovery from estates of deceased recipients.* (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and amendments thereto, or as otherwise authorized on and after September 30, 1989, under section 303 of the federal medicare catastrophic coverage act of 1988, whichever is applicable, by applying for or receiving medical assistance under a medical care plan in which federal funds are expended, any

accrued, present or future rights to support and any rights to payment for medical care from a third party of an applicant or recipient and any other family member for whom the applicant is applying shall be deemed to have been assigned to the secretary on behalf of the state. The assignment shall automatically become effective upon the date of approval for such assistance without the requirement that any document be signed by the applicant or recipient. By applying for or receiving medical assistance the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments, representing payments received by the secretary in on 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 K.S.A. 39-756(d), and amendments thereto, except that any amounts designated as medical support shall be retained by the secretary for repayment of the unreimbursed portion of assistance. Amounts collected pursuant to the assignment of rights to payment for medical care from a third party shall also be retained by the secretary for repayment of the unreimbursed portion of assistance.

(B) Notwithstanding the provisions of subparagraph (A), the secretary of health and environment, or the secretary's designee, is hereby authorized to and shall exercise any of the powers specified in subparagraph (A) in relation to performance of such secretary's duties pertaining to medical subrogation, estate recovery or any other duties assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(2) The amount of any medical assistance paid after June 30, 1992, under the provisions of subsection (d) 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 (d) 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 (d) 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. The secretary of health and environment is authorized to enforce each claim provided for under this subsection. The secretary of health and environment shall not be required to pursue every claim, but is granted discretion to determine which claims to pursue. All moneys received by the secretary of health and environment from claims under this subsection shall be deposited in the social welfare fund. The secretary of health and environment may adopt rules and regulations for the implementation and administration of the medical assistance recovery program under this subsection.

(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 paragraph (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 paragraph (2), such claim shall apply to the individual's medical assistance estate. The medical assistance estate is defined as including all real and personal property and other assets in which the deceased individual had any legal title or interest immediately before or at the time of death to the extent of that interest or title. The medical assistance estate includes, without limitation assets conveyed to a survivor, heir or assign of the deceased recipient through joint tenancy, tenancy in common, survivorship, transfer-on-death deed, payable-on-death contract, life estate, trust, annuities or similar arrangement.

(4) The secretary of health and environment or the secretary's designee is authorized to file and enforce a lien against the real property of a recipient of medical assistance in certain situations, subject to all prior liens of record and transfers for value to a bona fide purchaser of record. The lien must be filed in the office of the register of deeds of the county where the real property is located within one year from the date of death of the recipient and must contain the legal description of all real property in the county subject to the lien.

(A) After the death of a recipient of medical assistance, the secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by such recipient.

(B) The secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by a recipient of medical assistance during the lifetime of such recipient. Such lien may be filed only after notice and an opportunity for a hearing has been given. Such lien may be enforced only upon competent medical testimony that the recipient cannot reasonably be expected to be discharged and returned home. A six-month period of compensated inpatient care at a nursing home or other medical institution shall constitute a determination by the department of health and environment that the recipient cannot reasonably be expected to be discharged and returned home. To return home means the recipient leaves the nursing or medical facility and resides in the home on which the lien has been placed

for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. The amount of the lien shall be for the amount of assistance paid by the department of health and environment until the time of the filing of the lien and for any amount paid thereafter for such medical assistance to the recipient. After the lien is filed against any real property owned by the recipient, such lien will be dissolved if the recipient is discharged, returns home and resides upon the real property to which the lien is attached for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. If the recipient is readmitted as an inpatient to a nursing or medical facility for a continuous period of less than 90 days, another continuous period of at least 90 days shall be completed prior to dissolution of the lien.

(5) The lien filed by the secretary of health and environment or the secretary's designee for medical assistance correctly received may be enforced before or after the death of the recipient by the filing of an action to foreclose such lien in the Kansas district court or through an estate probate court action in the county where the real property of the recipient is located. However, it may be enforced only:

- (A) After the death of the surviving spouse of the recipient;
- (B) when there is no child of the recipient, natural or adopted, who is 20 years of age or less residing in the home;
- (C) when there is no adult child of the recipient, natural or adopted, who is blind or disabled residing in the home; or
- (D) when no brother or sister of the recipient is lawfully residing in the home, who has resided there for at least one year immediately before the date of the recipient's admission to the nursing or medical facility, and has resided there on a continuous basis since that time.

(6) The lien remains on the property even after a transfer of the title by conveyance, sale, succession, inheritance or will unless one of the following events occur:

(A) The lien is satisfied. The recipient, the heirs, personal representative or assigns of the recipient may discharge such lien at any time by paying the amount of the lien to the secretary of health and environment or the secretary's designee;

(B) the lien is terminated by foreclosure of prior lien of record or settlement action taken in lieu of foreclosure; or

(C) the value of the real property is consumed by the lien, at which time the secretary of health and environment or the secretary's designee may force the sale for the real property to satisfy the lien.

(7) If the secretary for aging and disability services or the secretary of health and environment, or both, or such secretary's designee has not filed an action to foreclose the lien in the Kansas district court in the county where the real property is located within 10 years from the date of the filing of the lien, then the lien shall become dormant, and shall cease to operate as a lien on the real estate of the recipient. Such dormant lien may be revived in the same manner as a dormant judgment lien is revived under K.S.A. 60-2403 et seq., and amendments thereto.

(8) Within seven days of receipt of notice by the secretary for children and families or the secretary's designee of the death of a recipient of medical assistance under this subsection, the secretary for children and families or the secretary's designee shall give notice of such recipient's death to the secretary of health and environment or the secretary's designee.

(9) All rules and regulations adopted on and after July 1, 2013, and prior to July 1, 2014, to implement this subsection shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of health and environment until revised, amended, revoked or nullified pursuant to law.

(g) *Placement under the revised Kansas code for care of children or revised Kansas juvenile justice code; assignment of support rights and limited power of attorney.* In any case in which the secretary for children and families pays for the expenses of care and custody of a child pursuant to K.S.A. 2014 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.

(h) 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 or violation of a condition of probation or parole imposed under federal or state law 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.

(i) If the applicant or recipient of temporary assistance for needy families is a mother of the dependent child, as a condition of the mother's eligibility for temporary assistance for needy families 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 temporary assistance for needy families who fails to cooperate with requirements relating to child support services under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary.

(j) By applying for or receiving child care benefits or food assistance, 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 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 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 temporary assistance for needy families.

(k) (1) A program of drug screening for applicants for cash assistance as a condition of eligibility for cash assistance and persons receiving cash assistance as a condition of continued receipt of cash assistance shall be established, subject to applicable federal law, by the secretary for children and families on and before January 1, 2014. Under such program of drug screening, the secretary for children and families shall order a drug screening of an applicant for or a recipient of cash assistance at any time when reasonable suspicion exists that such applicant for or recipient of cash assistance is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, an applicant's or recipient's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the applicant or recipient indicating unlawful use of a controlled substance or controlled substance analog.

(2) Any applicant for or recipient of cash assistance whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any applicant for or recipient of cash assistance who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such applicant or recipient who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(3) Any applicant for or recipient of cash assistance who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the secretary for children and families, secretary of labor or secretary of commerce, and a job skills program approved by the secretary for children and families, secretary of labor or secretary of commerce. Subject to applicable federal laws, any applicant for or recipient of cash assistance who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this subsection shall be ineligible to receive cash assistance until completion of such substance abuse treatment and job skills programs. Upon completion of both substance abuse treatment and job

skills programs, such applicant for or recipient of cash assistance may be subject to periodic drug screening, as determined by the secretary for children and families. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be ordered to complete again a substance abuse treatment program and job skills program, and shall be terminated from cash assistance for a period of 12 months, or until such recipient of cash assistance completes both substance abuse treatment and job skills programs, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be terminated from cash assistance, subject to applicable federal law.

(4) If an applicant for or recipient of cash assistance is ineligible for or terminated from cash assistance as a result of a positive test for unlawful use of a controlled substance or controlled substance analog, and such applicant for or recipient of cash assistance is the parent or legal guardian of a minor child, an appropriate protective payee shall be designated to receive cash assistance on behalf of such child. Such parent or legal guardian of the minor child may choose to designate an individual to receive cash assistance for such parent's or legal guardian's minor child, as approved by the secretary for children and families. Prior to the designated individual receiving any cash assistance, the secretary for children and families shall review whether reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog.

(A) In addition, any individual designated to receive cash assistance on behalf of an eligible minor child shall be subject to drug screening at any time when reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, the designated individual's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the designated individual indicating unlawful use of a controlled substance or controlled substance analog.

(B) Any designated individual whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any designated individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such designated individual who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(C) Upon any positive test for unlawful use of a controlled substance or controlled substance analog, the designated individual shall not receive cash assistance on behalf of the parent's or legal guardian's minor child, and another designated individual shall be selected by the secretary for children and families to receive cash assistance on behalf of such parent's or legal guardian's minor child.

(5) If a person has been convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such

offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall thereby become forever ineligible to receive any cash assistance under this subsection unless such conviction is the person's first conviction. First-time offenders convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall become ineligible to receive cash assistance for five years from the date of conviction.

(6) Except for hearings before the Kansas department for children and families or, the results of any drug screening administered as part of the drug screening program authorized by this subsection shall be confidential and shall not be disclosed publicly.

(7) The secretary for children and families may adopt such rules and regulations as are necessary to carry out the provisions of this subsection.

(8) Any authority granted to the secretary for children and families under this subsection shall be in addition to any other penalties prescribed by law.

(9) As used in this subsection:

(A) "Cash assistance" means cash assistance provided to individuals under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant to such statutes.

(B) "Controlled substance" means the same as in K.S.A. 2014 Supp. 21-5701, and amendments thereto, and 21 U.S.C. § 802.

(C) "Controlled substance analog" means the same as in K.S.A. 2014 Supp. 21-5701, and amendments thereto.";

Also on page 12, in line 17, after "the" by inserting "reporting"; in line 18, by striking "a" and inserting "the"; also in line 18, by striking "5½%" and inserting "3.31%", and on and after January 1, 2018, the privilege fee shall be 2%"; in line 22, after "fee" by inserting ", or a change in the rate of the privilege fee,"; in line 25, after "fee" by inserting "or the change in such privilege fee";

On page 13, in line 4, by striking "January" and inserting "July"; in line 5, by striking "December 31, 2017" and inserting "June 30, 2018"; in line 6, by striking "2" and inserting "1"; by striking all in lines 8 through 43;

On page 14, by striking all in lines 1 through 23; in line 24, by striking "40-2404," and inserting "39-709, as amended by section 9 of 2015 Senate Substitute for House Bill No. 2258, 39-709, as amended by section 150 of 2015 Senate Bill No. 240, and"; also in line 24, by striking all after "40-3213";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the commissioner of insurance" and inserting "public assistance"; also in line 1, by striking "powers,"; in line 2, by striking all before the second "the"; in line 3, after "fund" by inserting ", privilege fees and TANF cash assistance"; also in line 3, by striking "40-2404," and inserting "39-709, as amended by section 9 of 2015 Senate Substitute for House Bill No. 2258, and"; in line 4, by striking ", 40-5905 and 40-5906"; also in line 4, after "sections" by inserting "; also repealing K.S.A. 2014 Supp. 39-709, as amended by section 150 of 2015 Senate Bill No. 240";

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

MARY PILCHER-COOK  
 MICHAEL O'DONNELL  
*Conferees on part of Senate*

DANIEL HAWKINS  
 SCOTT SCHWAB  
*Conferees on part of House*

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **S Sub HB 2281**.

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

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

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt, Wolf.

Absent or Not Voting: Arpke.

The Conference Committee Report was adopted.

On motion of Senator Bruce, the Senate recessed until 8:30 p.m.

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

#### **MESSAGE FROM THE GOVERNOR**

**H Sub SB 11** approved on June 6, 2015.

#### **MESSAGE FROM THE HOUSE**

The House accedes to the request of the Senate for a conference on **S Sub HB 2109** and has appointed Representatives Kleeb, Suellentrop and Sawyer as third conferees on the part of the House.

The House announced the appointment of Representatives Kleeb, Suellentrop and Sawyer to replace Representatives Schwab, Bruchman and Houston as conferees on **HB 2142**.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel

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

#### **MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **S Sub HB 2281**.

#### **REPORT ON ENROLLED BILLS**

**H Sub SB 11** reported correctly enrolled, properly signed and presented to the Governor on June 6, 2015.

On motion of Senator Bruce, the Senate adjourned until 2:00 p.m., Sunday, June 7, 2015.

# Journal of the Senate

EIGHTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Sunday, June 7, 2015, 2:00 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 38 senators present.  
Senators Arpke and Olson were excused.  
Invocation by Reverend Cecil T. Washington:

Lord, today is Your day. Being the first Day of the week, we think of a new beginning. That's what we need Lord...a new beginning. It's the day of resurrection. It's a day that reminds us of the miracle of life springing from the dead. You have proved to have resurrection power. In John 11:44, Lazarus was raised from the dead. You commanded him to come out of the tomb. But the grave clothes...the remnants of his deadness, continued to hang on...hindering his progress. Until you commanded, "Lose him and let him go", so he could continue in Your plan for his life. Would You speak, with the same authority and call us out of any deadness. And then lose us. Free us from anything that would impede the work in carrying out Your plan. On this resurrection day, would You give us a resurgence of life, that we might progress and finish our assignment. Thank You for hearing our prayer. In Jesus name, Amen

The Pledge of Allegiance was led by President Susan Wagle.

On motion of Senator Bruce, the Senate recessed until 3:30 p.m.

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The Senate met pursuant with Vice President King in the chair.

## 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 as And as Further Amended by Senate Committee of the Whole, as follows:

On page 49, by striking all in lines 21 through 43;

By striking all on pages 50 through 89;

On page 90, by striking all in lines 1 through 14;

On page 97, in line 17, after "income" by inserting ", not including guaranteed

payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4,";

On page 99, in line 21, after "revenue" by inserting "or, at the election of a county, by the county"; in line 22, after "department" by inserting "or the county";

On page 115, in line 7, after "(g)" by inserting "On and after January 1, 2018,";

On page 126, by striking all in lines 15 through 43;

By striking all on pages 127 through 130;

On page 131, by striking all in lines 1 through 30; following line 30, by inserting the following:

"Sec. 7. K.S.A. 2014 Supp. 79-3603, as amended by section 20 of 2015 Senate Substitute for House Bill No. 2155, 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 6.15%, and commencing July 1, 2015, at the rate of 6.55%. 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. 2014 Supp. 79-3673, and amendments thereto, except that telecommunications service does not include prior to January 1, 2020: (1) Any interstate or international 800 or 900 service; (2) any interstate or international private communications service as defined in K.S.A. 2014 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 prior to January 1, 2020, 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, prior to January 1, 2020, 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 prior to January 1, 2020, 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 prior to January 1, 2020, upon the gross receipts received from: (1) Fees and charges by any

political subdivision, by any organization exempt from property taxation pursuant to K.S.A. 79-201 *Ninth*, 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 prior to January 1, 2020, upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to K.S.A. 79-201 *Eighth* and *Ninth*, 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 prior to January 1, 2020, 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; (2) the transfer of motor vehicles or trailers prior to January 1, 2020, 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 prior to January 1, 2020, 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 paragraph (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 K.S.A. 79-5105(a), (b)(1) and (b)(2), 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. 2014 Supp. 79-3673, and amendments thereto;

(v) all sales of bingo cards, bingo faces and instant bingo tickets by licensees under section 1 of 2015 Senate Substitute for House Bill No. 2155, et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section prior to January 1, 2020; and

(w) all sales of charitable raffle tickets in accordance with section 1 of 2015 Senate Substitute for House Bill No. 2155, et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section prior to January 1, 2020; and

(x) commencing July 1, 2016, and thereafter, the gross receipts from the sale of food and food ingredients shall be taxed at the rate of 4.95%.";

On page 133, in line 7, by striking "(A)"; also in line 7, by striking "17.141%" and inserting "16.327%"; in line 9, by striking "6.15%" and inserting "6.55%"; by striking all in lines 12 through 16; in line 18, by striking "17.234%" and inserting "16.550%"; in line 19, by striking "6.15%" and inserting "6.55%"; also in line 19, by striking "5.7%" and inserting "4.95%";

On page 134, in line 33, by striking "6.15%" and inserting "6.55%"; in line 34, by striking "January" and inserting "July"; also in line 34, by striking "5.7%" and inserting "4.95%";

On page 136, in line 16, by striking "(A)"; also in line 16, by striking "17.141%" and inserting "16.327%"; in line 18, by striking "6.15%" and inserting "6.55%"; by striking all in lines 21 through 25; in line 27, by striking "17.234%" and inserting "16.550%"; in line 28, by striking "6.15%" and inserting "6.55%"; also in line 28, by striking "5.7%" and inserting "4.95%";

On page 137, by striking all in lines 37 through 43;

On page 138, by striking all in line 1; following line 1, by inserting:

"New Sec. 11. (a) There is hereby established the joint committee on tax exemptions and income tax credits which shall be within the legislative branch of state government and which shall be composed of 11 members as follows:

- (1) The president of the senate, or the president's designee;
- (2) the speaker of the house of representatives, or the speaker's designee;
- (3) the speaker pro tem of the house of representatives, or the speaker pro tem's designee;
- (4) the majority leader of the senate, or the majority leader's designee;
- (5) the majority leader of the house of representatives, or the majority leader's designee;
- (6) the minority leader of the senate, or the minority leader's designee;
- (7) the minority leader of the house of representatives, or the minority leader's designee;
- (8) the chairperson of the house committee on taxation, or the chairperson's designee;

(9) the chairperson of the senate committee on assessment and taxation, or the chairperson's designee;

(10) the chairperson of the house committee on appropriations, or the chairperson's designee; and

(11) the chairperson of the senate committee on ways and means, or the chairperson's designee.

(b) All members of the joint committee on tax exemptions and income tax credits shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. On and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee and, after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. The chairperson and vice-chairperson of the joint committee shall serve in such capacities until the first day of the regular legislative session in the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of the chairperson or vice-chairperson, a member of the joint committee, who is a member of the same house as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy.

(c) The joint committee on tax exemptions and income tax credits may meet at any time and at any place within the state on the call of the chairperson. Members of the joint committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such committee authorized by the legislative coordinating council.

(d) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on tax exemptions and income tax credits.

(e) The joint committee on tax exemptions and income tax credits shall:

(1) Review and make recommendations prior to January 1, 2017, regarding the appropriateness of every statutory sales tax exemption including the identification of all business to business exemptions, property tax exemption and income tax credit as to whether the exemption or credit serves a necessary public purpose or is legally required pursuant to the constitution of the United States or the state of Kansas or other federal law; and

(2) make recommendations for the establishment of standards to be utilized in granting sales tax exemptions, property tax exemptions and income tax credits by the legislature.

(f) The joint committee on tax exemptions and income tax credits may introduce such legislation as it deems necessary in performing its function. In light of the complexities and indivisibility of the many individual exemptions and credits that are the subject of this topic under study by the joint committee, the recommendations of the

joint committee as expressed in legislation shall constitute a comprehensive legislative enactment and within constitutional limitations, such legislation shall be considered by the legislature.

(g) The joint committee on tax exemptions and income tax credits shall report to the legislature on or before January 1, 2017, any findings and recommendations concerning sales tax exemptions, property tax exemptions and income tax credits including any recommended legislation.

New Sec. 12. (a) On and after July 1, 2016, a tax is hereby imposed upon the privilege of selling or dealing in electronic cigarettes in this state by any person engaged in business as a distributor thereof, at the rate of \$.20 per milliliter of consumable material for electronic cigarettes and a proportionate tax at the like rate on all fractional parts thereof. For electronic cigarettes in the possession of retail dealers for which tax has not been paid, tax shall be imposed under this subsection at the earliest time the retail dealer: (1) Brings or causes to be brought into this state from without the state electronic cigarettes for sale; (2) makes, manufactures or fabricates electronic cigarettes in this state for sale in this state; or (3) sells electronic cigarettes to consumers within this state.

(b) The secretary of revenue shall adopt rules and regulations to implement the provisions of this section.

Sec. 13. K.S.A. 2014 Supp. 12-187 is hereby amended to read as follows: 12-187. (a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{2}{3}$  of the membership of the governing body of each of one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by  $\frac{2}{3}$  of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Thomas, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this

paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of ad valorem tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by 0.75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(F) The result of the election held on December 1, 2009, on the question submitted

by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(G) The result of the election held on April 7, 2015, on the question submitted by the board of county commissioners of Bourbon county for the purpose of increasing its retailers' sales tax by 0.4% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of ~~paragraph (5) of subsection (b) of K.S.A. 68-2314(b)(5)~~, and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to ~~paragraph (2) of subsection (a)(2)~~ by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in

this paragraph, health care services shall include, but not be limited to, the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(7) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) The board of county commissioners of Cowley, Crawford, Russell and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% in the case of Crawford, Russell and Woodson county and at a rate of up to 0.25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging

the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purposes of conservation, access and management of open space; preservation of cultural heritage; and economic development projects and activities.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected. The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% which such tax shall take effect after the expiration of the tax imposed pursuant to this paragraph prior to the effective date of this act, and pledging the revenue received therefrom for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. Such tax shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging

the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected.

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.

(22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.

(23) The board of county commissioners of Butler county may submit the question

of imposing a countywide retailers' sales tax at the rate of either 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(26) The board of county commissioners of Pottawatomie county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, or public infrastructure improvements, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project or projects.

(27) The board of county commissioners of Kingman county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of constructing and furnishing a law enforcement center and jail facility and the costs of roadway and bridge improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire not later than 20 years from the date such tax is first collected.

(28) The board of county commissioners of Edwards county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.375% and pledging the revenue therefrom for the purpose of financing the costs of economic development initiatives to the electors at an election called and held thereon.

(29) The board of county commissioners of Rooks county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue therefrom for the purpose of financing the costs of constructing or remodeling and furnishing a jail facility to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized in financing such project or projects.

(30) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the construction or

remodeling of a courthouse, jail, law enforcement center facility, detention facility or other county administrative facility, specifically including mental health and for the operation thereof.

(31) The board of county commissioners of Bourbon county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1%, in increments of 0.05%, and pledging the revenue received therefrom for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements to the electors at an election called and held thereon.

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{2}{3}$  of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by  $\frac{2}{3}$  of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of 0.5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 14. K.S.A. 2014 Supp. 12-189 is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in increments of 0.05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special purposes which shall be determined by the governing body of the city. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount not to exceed 1% and shall be fixed in increments of 0.25%, and which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of ~~paragraph (2) of subsection (b) of K.S.A. 12-187(b)(2)~~, and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of ~~paragraph (2) of subsection (b) of K.S.A. 12-187(b)(2)~~, and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward, Thomas or Wyandotte county, for the purposes of ~~paragraph (2) of subsection (b) of K.S.A. 12-187(b)(2)~~, and amendments thereto, may fix such rate at 1.5%, the board of county commissioners of Atchison county, for the purposes of ~~paragraph (2) of subsection (b) of K.S.A. 12-187(b)(2)~~, and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of ~~paragraph (2) of subsection (b) of K.S.A. 12-187(b)(2)~~, and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of ~~paragraph (2) of subsection (b) of K.S.A. 12-187(b)(2)~~, and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of ~~paragraph (2) of subsection (b) of K.S.A. 12-187(b)(2)~~, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown county, for the purposes of ~~paragraph (2) of subsection (b) of K.S.A. 12-187(b)(2)~~, and amendments thereto, may fix such rate at up to 2%;

(b) the board of county commissioners of Jackson county, for the purposes of ~~paragraph (3) of subsection (b) of K.S.A. 12-187(b)(3)~~, and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of ~~paragraph (4) of subsection (b) of K.S.A. 12-187(b)(4)~~, and amendments thereto, may fix such rate at 0.25%;

(d) the board of county commissioners of any county for the purposes of ~~paragraph (5) of subsection (b) of K.S.A. 12-187(b)(5)~~, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus 0.25%, 0.5%, 0.75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of

~~paragraph (7) of subsection (b) of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;~~

(f) the board of county commissioners of Sherman county, for the purposes of ~~paragraph (8) of subsection (b) of K.S.A. 12-187(b)(8), and amendments thereto, may fix such rate at 2.25%;~~

(g) the board of county commissioners of Crawford or Russell county for the purposes of ~~paragraph (9) of subsection (b) of K.S.A. 12-187(b)(9), and amendments thereto, may fix such rate at 1.5%;~~

(h) the board of county commissioners of Franklin county, for the purposes of ~~paragraph (10) of subsection (b) of K.S.A. 12-187(b)(10), and amendments thereto, may fix such rate at 1.75%;~~

(i) the board of county commissioners of Douglas county, for the purposes of ~~paragraph (11) of subsection (b) of K.S.A. 12-187(b)(11) and (b)(30), and amendments thereto, may fix such rate at 1.25% 1.75%;~~

(j) the board of county commissioners of Jackson county, for the purposes of ~~subsection (b)(13) of K.S.A. 12-187(b)(13), and amendments thereto, may fix such rate at 1.4%;~~

(k) the board of county commissioners of Sedgwick county, for the purposes of ~~paragraph (3)(C) of subsection (b) of K.S.A. 12-187(b)(3)(C), and amendments thereto, may fix such rate at 2%;~~

(l) the board of county commissioners of Neosho county, for the purposes of ~~paragraph (14) of subsection (b) of K.S.A. 12-187(b)(14), and amendments thereto, may fix such rate at 1.0% or 1.5%;~~

(m) the board of county commissioners of Saline county, for the purposes of ~~paragraph (15) of subsection (b) of K.S.A. 12-187(b)(15), and amendments thereto, may fix such rate at up to 1.5%;~~

(n) the board of county commissioners of Harvey county, for the purposes of ~~paragraph (16) of subsection (b) of K.S.A. 12-187(b)(16), and amendments thereto, may fix such rate at 2.0%;~~

(o) the board of county commissioners of Atchison county, for the purpose of ~~paragraph (17) of subsection (b) of K.S.A. 12-187(b)(17), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus 0.25%;~~

(p) the board of county commissioners of Wabaunsee county, for the purpose of ~~paragraph (18) of subsection (b) of K.S.A. 12-187(b)(18), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus 0.5%;~~

(q) the board of county commissioners of Jefferson county, for the purpose ~~of paragraphs (19) and (25) of subsection (b) of K.S.A. 12-187(b)(19) and (25), and amendments thereto, may fix such rate at 2.25%;~~

(r) the board of county commissioners of Riley county, for the purpose of ~~paragraph (20) of subsection (b) of K.S.A. 12-187(b)(20), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be~~

imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;

(s) the board of county commissioners of Johnson county for the purposes of ~~paragraph (21) of subsection (b) of~~ K.S.A. 12-187**(b)(21)**, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus 0.25%;

(t) the board of county commissioners of Wilson county for the purposes of ~~paragraph (22) of subsection (b) of~~ K.S.A. 12-187**(b)(22)**, and amendments thereto, may fix such rate at up to 2%;

(u) the board of county commissioners of Butler county for the purposes of ~~paragraph (23) of subsection (b) of~~ K.S.A. 12-187**(b)(23)**, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;

(v) the board of county commissioners of Barton county, for the purposes of ~~paragraph (24) of subsection (b) of~~ K.S.A. 12-187**(b)(24)**, and amendments thereto, may fix such rate at up to 1.5%;

(w) the board of county commissioners of Lyon county, for the purposes of ~~paragraph (3)(D) of subsection (b) of~~ K.S.A. 12-187**(b)(3)(D)**, and amendments thereto, may fix such rate at 1.5%;

(x) the board of county commissioners of Rawlins county, for the purposes of ~~paragraph (3)(E) of subsection (b) of~~ K.S.A. 12-187**(b)(3)(E)**, and amendments thereto, may fix such rate at 1.75%;

(y) the board of county commissioners of Chautauqua county, for the purposes of ~~paragraph (3)(F) of subsection (b) of~~ K.S.A. 12-187**(b)(3)(F)**, and amendments thereto, may fix such rate at 2.0%;

(z) the board of county commissioners of Pottawatomie county, for the purposes of ~~paragraph (26) of subsection (b) of~~ K.S.A. 12-187**(b)(26)**, and amendments thereto, may fix such rate at up to 1.5%;

(aa) the board of county commissioners of Kingman county, for the purposes of ~~paragraph (27) of subsection (b) of~~ K.S.A. 12-187**(b)(27)**, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75%, or 1%;

(bb) the board of county commissioners of Edwards county, for the purposes of ~~paragraph (28) of subsection (b) of~~ K.S.A. 12-187**(b)(28)**, and amendments thereto, may fix such rate at 1.375%; ~~and~~

(cc) the board of county commissioners of Rooks county, for the purposes of ~~paragraph (29) of subsection (b) of~~ K.S.A. 12-187**(b)(29)**, and amendments thereto, may fix such rate at up to 1.5%; ~~and~~

(dd) the board of county commissioners of Bourbon county, for the purposes of K.S.A. 12-187 (b)(3)(G) and (b)(31), and amendments thereto, may fix such rate at up to 2.0%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax

act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected by the director of taxation pursuant to the authority granted in ~~paragraph (22) of subsection (b) of K.S.A. 12-187(b)(22)~~, and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax which exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 15. K.S.A. 2014 Supp. 12-192 is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by

the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year; and (2) one-half of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of 0.75%, 1% or 1.25% after July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner: (A) The revenue received from the first 0.5% rate of tax shall be apportioned in the manner prescribed by subsection (a); and (B) the revenue received from the rate of tax exceeding 0.5% shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year; (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county; and (iii) one-half shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for

purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to ~~paragraphs (2), (3)(C), (3)(F), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25), (27), (28) and (29) of subsection (b) of K.S.A. 12-187(b)(2), (3)(C), (3)(F), (3)(G), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25), (27), (28), (29), (30) and (31),~~ and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in ~~paragraph (5) of subsection (b) of K.S.A. 12-187(b)(5),~~ and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to ~~paragraph (5) of subsection (b) of K.S.A. 12-187(b)(5),~~ and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(3) All revenue received from a countywide retailers' sales tax imposed pursuant to ~~paragraph (26) of subsection (b) of K.S.A. 12-187(b)(26),~~ and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged unless the question of imposing a countywide retailers' sales tax authorized by ~~paragraph (26) of subsection (b) of K.S.A. 12-187(b)(26),~~ and amendments thereto, includes the apportionment of revenue prescribed in subsection (a).

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a

countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.

Sec. 16. K.S.A. 2014 Supp. 12-3915 is hereby amended to read as follows: 12-3915. The governing body of any fire district created pursuant to this act shall have the authority to:

(a) Levy taxes and special assessments as provided by law. Except as provided by K.S.A. 12-3913, and amendments thereto, the governing body shall fix the amount of the tax, ~~not to exceed 15 mills~~, to be levied upon all taxable tangible property in the consolidated fire district;

(b) enter into contracts;

(c) acquire and dispose of real and personal property;

(d) acquire, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire-fighting equipment;

(e) acquire, operate and maintain fire-fighting equipment;

(f) issue general obligation bonds and no-fund warrants;

(g) pay compensation and salaries to fire district employees;

(h) exercise eminent domain;

(i) pay the operation and maintenance expenses of the fire district and other expenses legally incurred by the district;

(j) select regular employees, provide for their compensation and furnish quarters for such employees if deemed desirable;

(k) provide for the organization of volunteer members who may be compensated for fighting fires, responding to emergencies or attending meetings;

(l) provide special clothing and equipment for such employees and volunteers;

(m) insure such employees and volunteers against accidental death and injury in the performance of their duties;

(n) pay for the acquisition, installation or maintenance of one or more fire hydrants, or similar devices for fighting fires, including necessary equipment, services or supplies related thereto.

The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed; and

(o) do all things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of the district and otherwise effectuate the purposes of this act.

Sec. 17. K.S.A. 2014 Supp. 12-5909 is hereby amended to read as follows: 12-5909. (a) Until sold or otherwise disposed of by the bank and except for special assessments levied by a municipality to finance public improvements, any property

acquired by the bank shall be exempt from the payment of ad valorem taxes levied by the state and any other political or taxing subdivision of the state.

(b) Except for special assessments levied by a municipality to finance public improvements, when the board acquires property pursuant to this act, the county treasurer shall remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the board.

(c) Property held by the bank shall remain liable for special assessments levied by a municipality to finance public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the bank.

(d) The governing body of any municipality which has levied special assessments on property acquired by the bank may abate part or all of the special assessments, and the bank and governing body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the county treasurer as of the effective date of the abatement.

(e) The governing body of any municipality which has levied special assessments on property acquired by the bank may enter into an agreement with the bank to defer or reamortize part or all of the special assessments. The governing body of the municipality shall provide for such deferral or reamortization by passage of an ordinance, if a city, and by passage of a resolution by any other municipality. Any special assessments that are deferred or reamortized shall be corrected on the tax rolls by the county treasurer as of the effective date of the ordinance or resolution providing for such deferral or reamortization.

Sec. 18. K.S.A. 19-26,111 is hereby amended to read as follows: 19-26,111. (a) Until sold or otherwise disposed of by the bank and except for special assessments levied by a municipality to finance public improvements, any property acquired by the bank shall be exempt from the payment of ad valorem taxes levied by the state and any other political or taxing subdivision of the state.

(b) Except for special assessments levied by a municipality to finance public improvements, when the board acquires property pursuant to this act, the county treasurer shall remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the board.

(c) Property held by the bank shall remain liable for special assessments levied by a municipality to finance public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the bank.

(d) The governing body of any municipality which has levied special assessments on property acquired by the bank may abate part or all of the special assessments, and the bank and governing body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the county treasurer as of the effective date of the abatement.

(e) The governing body of any municipality which has levied special assessments on property acquired by the bank may enter into an agreement with the bank to defer or reamortize part or all of the special assessments. The governing body of the municipality shall provide for such deferral or reamortization by passage of an ordinance, if a city, and by passage of a resolution by any other municipality. Any special assessments that are deferred or reamortized shall be corrected on the tax rolls by the county treasurer as of the effective date of the ordinance or resolution providing for such deferral or reamortization.

Sec. 19. K.S.A. 19-3610 is hereby amended to read as follows: 19-3610. ~~(a)~~The board of county commissioners each year shall levy an ad valorem tax on the taxable tangible property within each fire district in the county organized by virtue of this act, including or excluding such property within any city in each district as the case may be, as is required by the budget of each district. All proceeds of such levy shall be used to carry out the powers, duties and functions of the governing body of the fire district as specified in K.S.A. 19-3601a, and amendments thereto. ~~Except as otherwise authorized by this section, the board of county commissioners shall not make a levy, in any year, in any fire district in excess of five mills upon the property in the district.~~ Whenever a fire district has contracted with any other fire district, city or township or private entity within the vicinity of the district to furnish fire protection to the district, the board may make a tax levy which produces a sum not exceeding the amount payable to the other fire district, city or township or private entity under such contract during the budget year for which the tax levy is made.

~~(b) The board of county commissioners of any county, when authorized by a majority of the electors of any fire district voting at an election called and held thereon, may levy a tax of more than five mills but not more than seven mills in any year upon the property within such district. Such election shall be a question submitted election and shall be called and held in the manner provided for the calling and holding of elections upon the question of issuance of bonds under the provisions of K.S.A. 10-120, and amendments thereto.~~

Sec. 20. K.S.A. 2014 Supp. 72-99a02, as amended by section 67 of 2015 House Substitute for Senate Bill No. 7, is hereby amended to read as follows: 72-99a02. As used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed \$8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) "Eligible student" means a child who:

(1) (A) Qualifies as an at-risk pupil as defined in K.S.A. 72-6407, prior to its repeal, and who is attending a public school that would qualify as either a title I focus school or a title I priority school as described by the state board under the elementary and secondary education act flexibility waiver as amended in January 2013; or (B) has received been eligible to receive an educational scholarship under this program and has not graduated from high school or reached 21 years of age;

(2) resides in Kansas while receiving eligible for an educational scholarship; and

(3) (A) was enrolled in any public school in the previous school year in which an educational scholarship is first sought for the child; or (B) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is under the age of six years.

(e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(f) "Program" means the tax credit for low income students scholarship program

established in K.S.A. 2014 Supp. 72-99a01 through 72-99a07, and amendments thereto.

(g) "Public school" means a school that would qualify as either a title I focus school or a title I priority school as described by the state board under the elementary and secondary education act flexibility waiver as amended in January 2013 and is operated by a school district.

(h) "Qualified school" means any nonpublic school that provides education to elementary or secondary students, has notified the state board of its intention to participate in the program and complies with the requirements of the program.

(i) "Scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to eligible students attending or to qualified schools of their parents' choice in which parents have enrolled eligible students.

(j) "School district" or "district" means any unified school district organized and operating under the laws of this state.

(k) "School year" shall have the meaning ascribed thereto in section 5 of 2015 House Substitute for Senate Bill No. 7, and amendments thereto.

(l) "Secretary" means the secretary of revenue.

(m) "State board" means the state board of education.

Sec. 21. K.S.A. 2014 Supp. 72-99a03 is hereby amended to read as follows: 72-99a03. (a) There is hereby established the tax credit for low income students scholarship program. The program shall provide eligible students with an opportunity to attend schools of their parents' choice.

(b) Each scholarship granting organization shall issue a receipt, in a form prescribed by the secretary, to each contributing taxpayer indicating the value of the contribution received. Each taxpayer shall provide a copy of such receipt when claiming the tax credit established in K.S.A. 2014 Supp. 72-99a07, and amendments thereto.

(c) Prior to awarding an educational scholarship with respect to an eligible student, unless such student is under the age of six years, the scholarship granting organization shall receive written verification from the state board that such student is an eligible student under this program, provided the state board and the board of education of the school district in which the eligible student was enrolled the previous school year have received written consent from such eligible student's parent authorizing the release of such information.

(d) Upon receipt of information in accordance with ~~subsection (a)(2) of~~ K.S.A. 2014 Supp. 72-99a04 ~~(a)(2)~~, and amendments thereto, the state board shall inform the scholarship granting organization ~~if such student has already been designated to receive~~ whether an educational scholarship has been awarded by another scholarship granting organization with respect to the eligible student.

(e) In each school year, ~~each eligible student under this program shall not receive no more than one \$8,000 in educational scholarship scholarships may be awarded~~ under this program with respect to an eligible student.

~~(f) An eligible student's participation in this program by receiving an educational scholarship constitutes a waiver to special education services provided by any school district, unless such school district agrees to provide such services to the qualified school.~~

Sec. 22. K.S.A. 2014 Supp. 72-99a04 is hereby amended to read as follows: 72-99a04. (a) To be eligible to participate in the program, a scholarship granting

organization shall comply with the following:

(1) The scholarship granting organization shall notify the secretary and the state board of the scholarship granting organization's intent to provide educational scholarships ~~to students attending qualified schools;~~

(2) upon granting an educational scholarship ~~to an eligible student,~~ the scholarship granting organization shall report such information to the state board;

(3) the scholarship granting organization shall provide verification to the secretary that the scholarship granting organization is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(4) upon receipt of contributions in an aggregate amount or value in excess of \$50,000 during a school year, a scholarship granting organization shall file with the state board either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the scholarship granting organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(5) scholarship granting organizations that provide other nonprofit services in addition to providing educational scholarships shall not commingle contributions made under the program with other contributions made to such organization. A scholarship granting organization under this subsection shall also file with the state board, prior to the commencement of each school year, either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the nonprofit organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(6) ~~the scholarship granting organization shall ensure that each qualified school receiving educational scholarships from the scholarship granting organization is in~~ shall annually certify to the scholarship granting organization its compliance with the requirements of the program;

(7) at the end of the calendar year, the scholarship granting organization shall have its accounts examined and audited by a certified public accountant. Such audit shall include, but not be limited to, information verifying that the educational scholarships awarded by the scholarship granting organization were distributed ~~to the qualified schools with respect to~~ eligible students determined by the state board under ~~subsection (e) of K.S.A. 2014 Supp. 72-99a03(c),~~ and amendments thereto, and information specified in this section. Prior to filing a copy of the audit with the state board, such audit shall be duly verified and certified by a certified public accountant; and

(8) if a scholarship granting organization decides to limit the number or type of qualified schools who will receive educational scholarships, the scholarship granting organization shall provide, in writing, the name or names of those qualified schools to any contributor and the state board.

(b) No scholarship granting organization shall provide an educational scholarship ~~for with respect to~~ any eligible student to attend any qualified school with paid staff or

paid board members, or relatives thereof, in common with the scholarship granting organization.

(c) The scholarship granting organization shall disburse not less than 90% of contributions received pursuant to the program ~~to eligible students~~ in the form of educational scholarships within 36 months of receipt of such contributions. If such contributions have not been disbursed within the applicable 36-month time period, then the scholarship granting organization shall not accept new contributions until 90% of the received contributions have been disbursed in the form of educational scholarships. Any income earned from contributions must be disbursed in the form of educational scholarships.

(d) A scholarship granting organization may continue to provide an educational scholarship with respect to an eligible a student who received an educational scholarship under this program who was an eligible student in the year immediately preceding the current school year.

(e) A scholarship granting organization shall direct payments of ~~an educational scholarship~~ scholarships to the qualified school ~~on behalf of the eligible student attended by the eligible student or in which the eligible student is enrolled~~. Payment ~~shall may~~ be made by check made payable to both the parent and the qualified school or to only the qualified school. If an eligible student transfers to a new qualified school during a school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the new qualified school based on the eligible student's attendance. If the eligible student transfers to a public school and enrolls in such public school after September 20 of the current school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the public school based on the eligible student's attendance. The prorated amount to the public school shall be considered a donation and shall be paid to the school district of such public school in accordance with K.S.A. 72-8210, and amendments thereto, ~~to provide for the education of such eligible student~~.

(f) By June 1 of each year, a scholarship granting organization shall submit a report to the state board for the educational scholarships provided in the immediately preceding 12 months. Such report shall be in a form and manner as prescribed by the state board, approved and signed by a certified public accountant, and shall contain the following information:

- (1) The name and address of the scholarship granting organization;
- (2) the name and address of each eligible student receiving with respect to whom an educational scholarship was awarded by the scholarship granting organization;
- (3) the total number and total dollar amount of contributions received during the 12-month reporting period; and
- (4) the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period and the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period with respect to eligible students who qualified under ~~subsection (d)~~ of K.S.A. 2014 Supp. 72-99a02(d), and amendments thereto.

(g) No scholarship granting organization shall:

- (1) Provide an ~~eligible student with an~~ educational scholarship with respect to an eligible student that is established by funding from any contributions made by any relative of such eligible student; or

(2) accept a contribution from any source with the express or implied condition that such contribution be directed toward an educational scholarship for a particular eligible student.

Sec. 23. K.S.A. 2014 Supp. 74-50,208 is hereby amended to read as follows: 74-50,208. (a) A program contributor shall be allowed a credit against state income tax imposed under the Kansas income tax act in an amount not to exceed 75% of the contribution amount. If the amount of the credit allowed by this section exceeds the taxpayer's income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer. No credit pursuant to this section shall be allowed for any contribution made by a program contributor which also qualified for a community services tax credit pursuant to the provisions of K.S.A. 79-32,195 et seq., and amendments thereto.

(b) The administration of the community-based organization, with the cooperation of the participating financial institutions, shall submit the names of contributors and the total amount each contributor contributes to the individual development account reserve fund for the calendar year. The secretary of revenue shall determine the date by which such information shall be submitted to the department of revenue by the local administrator.

(c) The total tax credits authorized pursuant to this section shall not exceed \$500,000 in any fiscal year.

(d) The provisions of this section shall be applicable to all taxable years commencing after December 31, ~~2010~~ 2014.

~~(e) For tax year 2013 and all tax years thereafter, the income tax credit provided by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (c) of K.S.A. 79-32,110, and amendments thereto, and shall be applied only against such taxpayer's corporate income tax liability.~~

Sec. 24. K.S.A. 2014 Supp. 74-50,223 is hereby amended to read as follows: 74-50,223. (a) Any county that has been designated a rural opportunity zone pursuant to K.S.A. 74-50,222, and amendments thereto, may participate in the program provided in this section by authorizing such participation by the county commission of such county through a duly enacted written resolution. Such county shall provide a certified copy of such resolution to the secretary of commerce on or before January 1, 2012, for calendar year 2012, or on or before January 1 for each calendar year thereafter, in which a county chooses to participate. Such resolution shall obligate the county to participate in the program provided by this section for a period of five years, and shall be irrevocable. Such resolution shall specify the maximum amount of outstanding student loan balance for each resident individual to be repaid as provided in subsection (b), except the maximum amount of such balance shall be \$15,000.

(b) If a county submits a resolution as provided in subsection (a), under the program provided in this section, subject to subsection (d), the state of Kansas and such county which chooses to participate as provided in subsection (a), shall agree to pay in equal shares the outstanding student loan balance of any resident individual who qualifies to have such individual's student loans repaid under the provisions of subsection (c) over a five-year period, except that the maximum amount of such balance shall be \$15,000. The amount of such repayment shall be equal to 20% of the outstanding student loan balance of the individual in a year over the five-year repayment period. The state of Kansas is not obligated to pay the student loan balance

of any resident individual who qualifies pursuant to subsection (c) prior to the county submitting a resolution to the secretary pursuant to subsection (a). Each such county shall certify to the secretary that such county has made the payment required by this subsection.

(c) A resident individual shall be entitled to have such individual's outstanding student loan balance paid for attendance at an institution of higher education where such resident individual earned an associate, bachelor or post-graduate degree under the provisions of this section when such resident individual establishes domicile in a county designated as a rural opportunity zone which participates in the program as provided in subsection (a), on and after the date in which such county commenced such participation, and prior to July 1, ~~2016~~ 2021. Such resident individual may enroll in this program in a form and manner prescribed by the secretary. Subject to subsection (d), once enrolled such resident individual shall be entitled to full participation in the program for five years, except that if the resident individual relocates outside the rural opportunity zone for which the resident individual first qualified, such resident individual forfeits such individual's eligibility to participate, and obligations under this section of the state and the county terminate. No resident individual shall enroll and be eligible to participate in this program after June 30, ~~2016~~ 2021.

(d) The provisions of this act shall be subject to appropriation acts. Nothing in this act guarantees a resident individual a right to the benefits provided in this section. The county may continue to participate even if the state does not participate.

(e) The secretary shall adopt rules and regulations necessary to administer the provisions of this section.

(f) On January 1, 2012, and annually thereafter until January 1, ~~2017~~ 2022, the secretary of commerce shall report to the senate committee on assessment and taxation and the house of representatives committee on taxation as to how many residents applied for the rural opportunity zone tax credit.

Sec. 25. K.S.A. 2014 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(a), 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:

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 year 2014:

If the taxable income is:	The tax is:
Not over \$30,000.....	2.7% of Kansas taxable income
Over \$30,000.....	\$810 plus 4.8% of excess over \$30,000

## (D) For tax year 2015, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$30,000.....	2.7% of Kansas taxable income
Over \$30,000.....	\$810 plus 4.6% of excess over \$30,000

~~(E) For tax year 2016:~~

<del>If the taxable income is:</del>	<del>The tax is:</del>
<del>Not over \$30,000.....</del>	<del>2.4% of Kansas taxable income</del>
<del>Over \$30,000.....</del>	<del>\$720 plus 4.6% of excess over \$30,000</del>

~~(F) For tax year 2017:~~

<del>If the taxable income is:</del>	<del>The tax is:</del>
<del>Not over \$30,000.....</del>	<del>2.3% of Kansas taxable income</del>
<del>Over \$30,000.....</del>	<del>\$690 plus 4.6% of excess over \$30,000</del>

~~(G) For tax year 2018, and all tax years thereafter:~~

<del>If the taxable income is:</del>	<del>The tax is:</del>
<del>Not over \$30,000.....</del>	<del>2.3% of Kansas taxable income</del>
<del>Over \$30,000.....</del>	<del>\$690 plus 3.9% of excess over \$30,000</del>

(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:

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 year 2014:

If the taxable income is:	The tax is:
Not over \$15,000.....	2.7% of Kansas taxable income
Over \$15,000.....	\$405 plus 4.8% of excess over \$15,000

(D) For tax year 2015, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$15,000.....	2.7% of Kansas taxable income
Over \$15,000.....	\$405 plus 4.6% of excess over \$15,000

(E) For tax year 2016:

If the taxable income is:	The tax is:
Not over \$15,000.....	2.4% of Kansas taxable income
Over \$15,000.....	\$360 plus 4.6% of excess over \$15,000

(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

(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)(2) hereof.

(e) Tax rates provided in this section shall be adjusted pursuant to the provisions of K.S.A. 2014 Supp. 79-32,269, and amendments thereto.

Sec. 26. K.S.A. 2014 Supp. 79-32,120 is hereby amended to read as follows: 79-32,120. (a) (1) 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.

(2) For the tax year commencing on January 1, 2013, 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, 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~~ years commencing on and after January 1, 2015, the Kansas itemized deduction of an individual means ~~60% of the total amount of~~ following 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: (A) 100% of charitable contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 50% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (C) 50% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.

~~(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.~~

(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. 2014 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 total amount of wagering losses claimed as an itemized deduction in section 165(d) of the federal internal revenue code, and amendments thereto.~~

Sec. 27. K.S.A. 2014 Supp. 79-32,267 is hereby amended to read as follows: 79-32,267. (a) For taxable years commencing after December 31, 2011, and before January 1, ~~2017~~ 2022, there shall be allowed as a credit against the tax liability of a resident individual taxpayer an amount equal to the resident individual's income tax liability under the provisions of the Kansas income tax act, when the resident individual:

(1) Establishes domicile in a rural opportunity zone on or after July 1, 2011, and prior to January 1, ~~2016~~ 2021, and was domiciled outside this state for five or more years immediately prior to establishing their domicile in a rural opportunity zone in this state;

(2) had Kansas source income less than \$10,000 in any one year for five or more years immediately prior to establishing their domicile in a rural opportunity zone in this state; and

(3) was domiciled in a rural opportunity zone during the entire taxable year for which such credit is claimed.

(b) A resident individual may claim the credit authorized by this section for not more than five consecutive years following establishment of their domicile in a rural opportunity zone.

(c) The maximum amount of any refund under this section shall be equal to the amount withheld from the resident individual's wages or payments other than wages pursuant to K.S.A. 79-3294 et seq., and amendments thereto, or paid by the resident individual as estimated taxes pursuant to K.S.A. 79-32,101 et seq., and amendments thereto.

(d) No credit shall be allowed under this section if:

(1) The resident individual's income tax return on which the credit is claimed is not timely filed, including any extension; or

(2) the resident individual is delinquent in filing any return with, or paying any tax due to, the state of Kansas or any political subdivision thereof.

(e) This section shall be part of and supplemental to the Kansas income tax act.

Sec. 28. K.S.A. 2014 Supp. 79-32,269 is hereby amended to read as follows: 79-32,269. (a) ~~(1) (A)~~ Except as provided in subsection (a)(2), commencing with fiscal year ~~2018~~ 2020, in any fiscal year in which the amount of selected actual state general fund receipts ~~less: (i) Increases in payments to the Kansas public employees retirement system required pursuant to K.S.A. 74-4914d, 74-4920, 74-4939 and 74-4967, and amendments thereto, or any other statute; and (ii) increases in the costs of the medicaid program~~ from such fiscal year exceeds the selected actual state general fund receipts for the immediately preceding fiscal year by more than ~~2%~~ 3%, the director of legislative research shall certify such excess amount, in dollars, 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, in dollars, the tax rates during the ~~fiscal year~~

after the next fiscal ~~next tax~~ 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. The secretary shall compute any income tax rate reductions so that any excess amount is applied such that an equal number of dollars are used to lower all individual income tax rates in K.S.A. 79-32,110, and amendments thereto. 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% 0.01%. 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 amount. 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 ~~less: (A) Increases in payments to the Kansas public employees retirement system required pursuant to K.S.A. 74-4914d, 74-4920, 74-4939 and 74-4967, and amendments thereto, or any other statute; and (B) increases in the costs of the medicaid program~~ for such fiscal year are ~~102% 103%~~ 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.

Sec. 29. K.S.A. 2014 Supp. 79-3310 is hereby amended to read as follows: 79-3310. There is imposed a tax upon all cigarettes sold, distributed or given away within the state of Kansas. ~~On and after July 1, 2002, and before January 1, 2003, the rate of such tax shall be \$.70 on each 20 cigarettes or fractional part thereof or \$.875 on each 25 cigarettes, as the case requires. On and after January 1, 2003,~~ July 1, 2015, the rate of such tax shall be ~~\$.79~~ \$1.29 on each 20 cigarettes or fractional part thereof or ~~\$.99~~ \$1.61 on each 25 cigarettes, as the case requires. Such tax shall be collected and paid to the director as provided in this act. Such tax shall be paid only once and shall be paid by the wholesale dealer first receiving the cigarettes as herein provided.

The taxes imposed by this act are hereby levied upon all sales of cigarettes made to any department, institution or agency of the state of Kansas, and to the political subdivisions thereof and their departments, institutions and agencies.

Sec. 30. K.S.A. 2014 Supp. 79-3310c is hereby amended to read as follows: 79-3310c. ~~(+) On or before July 30, 2002~~ 31, 2015, each wholesale dealer, retail dealer and vending machine operator shall file a report with the director in such form as the director may prescribe showing cigarettes, cigarette stamps and meter imprints on hand at 12:01 a.m. on ~~July 1, 2002~~ 2015. A tax of ~~\$.46~~ \$.50 on each 20 cigarettes or fractional part thereof or ~~\$.575~~ \$.62 on each 25 cigarettes, as the case requires and ~~\$.46 or \$.575~~ \$.50 or \$.62, as the case requires upon all tax stamps and all meter imprints purchased from the director and not affixed to cigarettes prior to ~~July 1, 2002~~ 2015, is hereby imposed and shall be due and payable ~~in equal installments on or before July 30, 2002, on or before September 30, 2002, and on or before December 30, 2002~~ October 31, 2015. The tax imposed upon such cigarettes, tax stamps and meter imprints shall be imposed only once under this act. The director shall remit all moneys collected pursuant to this section to the state treasurer who shall credit the entire amount thereof to the state general fund.

~~(2) On or before January 30, 2003, each wholesale dealer, retail dealer and vending machine operator shall file a report with the director in such form as the director may~~

~~prescribe showing cigarettes, cigarette stamps and meter imprints on hand at 12:01 a.m. on January 1, 2003. A tax of \$.09 on each 20 cigarettes or fractional part thereof or \$.115 on each 25 cigarettes, as the case requires and \$.09 or \$.115, as the case requires upon all tax stamps and all meter imprints purchased from the director and not affixed to cigarettes prior to January 1, 2003, is hereby imposed and shall be due and payable in equal installments on or before January 30, 2003, on or before March 30, 2003, and on or before June 30, 2003. The tax imposed upon such cigarettes, tax stamps and meter imprints shall be imposed only once under this act. The director shall remit all moneys collected pursuant to this section to the state treasurer who shall credit the entire amount thereof to the state general fund.~~

Sec. 31. K.S.A. 2014 Supp. 79-3311 is hereby amended to read as follows: 79-3311. The director shall design and designate indicia of tax payment to be affixed to each package of cigarettes as provided by this act. The director shall sell water applied stamps only to licensed wholesale dealers in the amounts of 1,000 or multiples thereof. Stamps applied by the heat process shall be sold only in amounts of 30,000 or multiples thereof, except that such stamps which are suitable for packages containing 25 cigarettes each shall be sold in amounts prescribed by the director. Meter imprints shall be sold only in amounts of 10,000 or multiples thereof. Water applied stamps in amounts of 10,000 or multiples thereof and stamps applied by the heat process and meter imprints shall be supplied to wholesale dealers at a discount of ~~90% on and after July 1, 2002, and before January 1, 2003, and 80% 0.55% on and after July 1, 2015,~~ and thereafter, from the face value thereof, and shall be deducted at the time of purchase or from the remittance therefor as hereinafter provided. Any wholesale cigarette dealer who shall file with the director a bond, of acceptable form, payable to the state of Kansas with a corporate surety authorized to do business in Kansas, shall be permitted to purchase stamps, and remit therefor to the director within 30 days after each such purchase, up to a maximum outstanding at any one time of 85% of the amount of the bond. Failure on the part of any wholesale dealer to remit as herein specified shall be cause for forfeiture of such dealer's bond. All revenue received from the sale of such stamps or meter imprints 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 cigarette tax refund fund and shall credit the remaining balance to the state general fund. A refund fund designated the cigarette tax refund fund not to exceed \$10,000 at any time shall be set apart and maintained by the director from taxes collected under this act and held by the state treasurer for prompt payment of all refunds authorized by this act. Such cigarette tax refund fund shall be in such amount as the director shall determine is necessary to meet current refunding requirements under this act.

The wholesale cigarette dealer shall affix to each package of cigarettes stamps or tax meter imprints required by this act prior to the sale of cigarettes to any person, by such dealer or such dealer's agent or agents, within the state of Kansas. The director is empowered to authorize wholesale dealers to affix revenue tax meter imprints upon original packages of cigarettes and is charged with the duty of regulating the use of tax meters to secure payment of the proper taxes. No wholesale dealer shall affix revenue

tax meter imprints to original packages of cigarettes without first having obtained permission from the director to employ this method of affixation. If the director approves the wholesale dealer's application for permission to affix revenue tax meter imprints to original packages of cigarettes, the director shall require such dealer to file a suitable bond payable to the state of Kansas executed by a corporate surety authorized to do business in Kansas. The director may, to assure the proper collection of taxes imposed by the act, revoke or suspend the privilege of imprinting tax meter imprints upon original packages of cigarettes. All meters shall be under the direct control of the director, and all transfer assignments or anything pertaining thereto must first be authorized by the director. All inks used in the stamping of cigarettes must be of a special type devised for use in connection with the machine employed and approved by the director. All repairs to the meter are strictly prohibited except by a duly authorized representative of the director. Requests for service shall be directed to the director. Meter machine ink imprints on all packages shall be clear and legible. If a wholesale dealer continuously issues illegible cigarette tax meter imprints, it shall be considered sufficient cause for revocation of such dealer's permit to use a cigarette tax meter.

A licensed wholesale dealer may, for the purpose of sale in another state, transport cigarettes not bearing Kansas indicia of tax payment through the state of Kansas provided such cigarettes are contained in sealed and original cartons.

Sec. 32. K.S.A. 2014 Supp. 79-3312 is hereby amended to read as follows: 79-3312. The director shall redeem any unused stamps or meter imprints that any wholesale dealer presents for redemption within six months after the purchase thereof, at the face value less ~~90% on and after July 1, 2002, and before January 1, 2003, and .80% thereafter~~ 0.55% thereof if such stamps or meter imprints have been purchased from the director. The director shall prepare a voucher showing the net amount of such refund due, and the director of accounts and reports shall draw a warrant on the state treasurer for the same. Wholesale dealers shall be entitled to a refund of the tax paid on cigarettes which have become unfit for sale upon proof thereof less ~~90% on and after July 1, 2002, and before January 1, 2003, and .80% thereafter~~ 0.55% of such tax.

Sec. 33. K.S.A. 2014 Supp. 79-3606 is hereby amended to read as follows: 79-3606. 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 and electronic cigarettes as defined by K.S.A. 79-3301, and amendments thereto, including consumable material for such electronic cigarettes, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or

public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the

number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in ~~subsection (g) of~~ K.S.A. 79-3615(h), and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant

to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in ~~subsection (g)~~ of K.S.A. 79-3615 (h), 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 (e)~~ of K.S.A. 79-3603 (o), and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain

from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by ~~subsection (c)~~ of K.S.A. 74-5807(c), 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. 2014 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(k), 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(h), 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; (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); (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral

equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal

income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's disease and related disorders association, inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions

of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or

combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west Sedgwick county-sunrise rotary club and sunrise charitable fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling

such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), and amendments thereto;

(tt) 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), 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 20<sup>th</sup> 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(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction,

reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in ~~subsection (g)~~ of K.S.A. 79-3615(h), and amendments thereto;

(iii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children's home for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for Wichita children's home. When Wichita children's home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to Wichita children's home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon

conviction, shall be subject to the penalties provided for in ~~subsection (h)~~ of K.S.A. 79-3615~~(h)~~, and amendments thereto;

(jjjj) all sales of tangible personal property or services purchased by or on behalf of the beacon, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need; ~~and~~

(kkkk) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community; ~~and~~

(llll) except for subsections (f), (g), (i), (j), (m), (n), (o), (p), (q), (r), (t), (y), (cc), (hh), (jj), (kk), (ll), (nn), (pp), (zz), (aaa), (ccc), (fff) or (jjj) or as otherwise provided, the provisions of this section shall not apply after December 31, 2019.

Sec. 34. K.S.A. 2014 Supp. 79-3695 is hereby amended to read as follows: 79-3695. If any contractor has entered into a written binding contract prior to May 1, ~~2010~~ 2015, for the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a building, facility or residential structure, or for the construction, reconstruction, restoration, replacement or repair of a bridge or highway, the state sales tax applicable to such contracts shall be remitted at the rate in effect prior to the state sales tax increase scheduled to take effect on July 1, ~~2010~~ 2015, if the contractor gives notice and proof of such contract to the director of taxation on or before July 10, ~~2010~~ 2015, which notice and proof shall be in such form and of such sufficiency as the director shall prescribe.

Sec. 35. K.S.A. 19-26,111, 19-3610 and 79-5108 and K.S.A. 2014 Supp. 12-187, 12-189, 12-192, 12-3915, 12-5909, 72-99a02, as amended by section 67 of 2015 House Substitute for Senate Bill No. 7, 72-99a03, 72-99a04, 74-50,208, 74-50,223, 79-2925b, 79-32,110, 79-32,117, 79-32,120, 79-32,265, 79-32,267, 79-32,269, 79-32,270, 79-3310, 79-3310c, 79-3311, 79-3312, 79-3602, 79-3603, as amended by section 20 of 2015 Senate Substitute for House Bill No. 2155, 79-3606, 79-3620, 79-3695, 79-3703 and 79-3710 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 13 through 25; in line 26, by striking all before the period and by inserting "; sales and compensating use tax, rates, distribution thereof, food; income tax, subtraction modifications, credits, individual development accounts, low income scholarship program; motor vehicle taxation; taxation of cigarettes and electronic cigarettes; sales tax authority for Bourbon, Douglas and Thomas counties; property taxation, consolidated fire districts and fire districts; rural opportunity zones; land banks; creating the joint committee on tax exemptions and income tax credits; amending K.S.A. 19-26,111, 19-3610 and 79-5108 and K.S.A. 2014 Supp. 12-187, 12-189, 12-192, 12-3915, 12-5909, 72-99a02, as amended by section 67 of 2015 House Substitute for Senate Bill No. 7, 72-99a03, 72-99a04, 74-50,208, 74-50,223, 79-2925b, 79-32,110, 79-32,117, 79-32,120, 79-32,265, 79-32,267, 79-32,269, 79-3310, 79-3310c, 79-3311, 79-3312, 79-3602, 79-3603, as amended by section 20 of

2015 Senate Substitute for House Bill No. 2155, 79-3606, 79-3620, 79-3695, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 79-32,270";

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

LES DONOVAN

CARYN TYSON

*Conferees on part of Senate*

MARVIN KLEEB

GENE SUELLENTROP

*Conferees on part of House*

Senator Donovan moved the Senate adopt the Conference Committee Report on **S Sub HB 2109**.

Upon the showing of 5 hands, Senator Hensley requested a call of the Senate.

On roll call, the vote was: Yeas 21; Nays 17; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Petersen, Pilcher-Cook, Powell, Smith, Wagle, Wilborn.

Nays: Baumgardner, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Ostmeyer, Pettey, Pyle, Schmidt, Tyson, Wolf.

Absent or Not Voting: Arpke, Olson.

The Conference Committee Report was adopted.

The call was lifted.

#### EXPLANATION OF VOTE

Madam President: I vote no on this bill, **S Sub HB 2109**. Anti-tax advocate Grover Norquist sent out a letter on June 5 as a reminder to Senators who pledged to not increase taxes. In it he writes, "For those lawmakers who have signed the Taxpayer Protection Pledge, promising the people of Kansas to 'oppose any and all efforts to increase taxes,' a vote for this multi-billion dollar tax increase would be in clear violation." There are 14 Senators who voted for this bill and are now in violation of their pledge. Worse yet, this bill is the largest tax increase in the history of our state. Our \$800 million self-inflicted budget crisis was caused by Sam Brownback's failed economic experiment. The majority party in this Senate chose to ignore that Brownback's reckless income tax cuts were to blame and, instead, raised regressive taxes on the backs of low income and working Kansans in order to balance the budget. I vote "No."—ANTHONY HENSLEY

On motion of Senator Bruce, the Senate recessed until 7:30 p.m.

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

**ORIGINAL MOTION**

Senator Bruce moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and the 30 minute rule be waived on the conference committee report on **H Sub SB 112**.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Senate Bill No. 112** 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. 112 as follows:

On page 1 by striking all in lines 6 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 38; following line 38, by inserting:

"Section 1. (a) For the fiscal years ending June 30, 2015, June 30, 2016, June 30, 2017, June 30, 2018, and June 30, 2019, 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 2016 shall be known and may be cited as the omnibus appropriation act of 2015 and shall constitute the omnibus reconciliation spending limit bill for the 2015 regular session of the legislature for purposes of K.S.A. 75-6702(a), and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.

Sec. 2. (a) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correctional facility – facilities operations account of the state general fund for property lost to the following claimant:

Cecil E. Thacker # 78311

1806 Pinecrest

Winfield, KS 67156.....\$33.48

(c) The department of corrections is hereby authorized and directed to pay the following amount from the El Dorado correctional facility – facilities operations account of the state general fund for property lost to the following claimant:

Felton T. Williams Jr. # 0071445

1318 KS Hwy 264

Larned, KS 67550.....\$496.02

(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 damage to the following claimant:

Debra Skalinder  
 420 West Kansas  
 Little River, KS 67457.....\$1,489.61

(e) The department of corrections is hereby authorized and directed to pay the following amount from the Norton correctional facility – facilities operations account of the state general fund for property lost to the following claimant:

Jose Serrano # 72898  
 2501 W. 7<sup>th</sup> Street  
 Oswego, KS 67356.....\$106.10

(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 lost or damaged to the following claimant:

John Gichamu # 99036  
 P. O. Box 1568  
 Hutchinson, KS 67504.....\$103.00

(g) The department of corrections is hereby authorized and directed to pay the following amount from the El Dorado correctional facility – facilities operations account of the state general fund for property lost to the following claimant:

Nathan D. Whitney II # 108166  
 P. O. Box 107  
 Ellsworth, KS 67439.....\$99.00

(h) The department of corrections is hereby authorized and directed to pay the following amount from the Norton correctional facility – facilities operations account of the state general fund for property damage to the following claimant:

Brandin Harding # 93975  
 P. O. Box 2  
 Lansing, KS 66043.....\$138.00

Sec. 3. (a) The department for aging and disability services is hereby authorized and directed to pay the following amount from the Larned state hospital – operating expenditures account of the state general fund for property lost to the following claimant:

J. Richard A. Quillen  
 1301 KS Hwy 264  
 Larned, KS 67550.....\$57.00

(b) The department for aging and disability services is hereby authorized and directed to pay the following amount from the Larned state hospital – operating expenditures account of the state general fund for inadequate medical care to the

following claimant:

Gloria Ibarra # 98228  
 815 SE Rice Rd.  
 Topeka, KS 66607.....\$150.00

Sec. 4. 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..... \$163.73

C. E. Farms INC.  
 249 Timber Rd.  
 Courtland, KS 66939..... \$271.08

Canaan Well Service Inc.  
 1401 N. Park St.  
 Wellington, KS 67152.....\$131.12

D.H.P. Investments L.T.D.  
 212 Oldgrande Blvd. Ste 100  
 Tyler, TX 75703.....\$129.00

Elliot, Blake  
 787 Paint Rd.  
 Hope, KS 67451.....\$1,936.66

George, Eldon W.  
 25012 150 Rd.  
 Lebanon, KS 66952.....\$49.80

Hekele, Michael F.  
 1184 NE 90<sup>th</sup> Ave.  
 Claflin, KS 67525.....\$81.00

JJ & J Inc. D.B.A. Lake Perry  
 6506 Cherokee Lane  
 Ozawkie, KS 66070.....\$4,222.80

Kahler, Wayne  
 11105 X Rd.  
 Meriden, KS 66512.....\$57.00

Kelles Transport Service Inc. P.O. Box 71718 Salt Lake City, UT 84171.....	\$322.92
Klassen Inc. 922 240 <sup>th</sup> Hillsboro, KS 67063.....	\$26.52
Krob, Johnny R. 861 240 Rd. Cuba, KS 66940.....	\$84.84
Markley, Robert E. 14602 E. 875 Rd. Mound City, KS 66056.....	\$89.40
Meyer, Richard L. 2275 Road 30 Hartford, KS 66854.....	\$132.36
Neosho County Road and Bridge 515 E. 4 <sup>th</sup> St. Erie, KS 66733.....	\$20,450.43
Peterson Farm & Livestock Inc. 10729 S. Simpson Rd. Assaria, KS 67416.....	\$111.18
Pyle Petroleum Inc. 212 Oldgrande Blvd. Ste 100 Tyler, TX 75703.....	\$291.60
Robben, Robert F. 44025 151 <sup>st</sup> West Wichita, KS 67227.....	\$9,066.71
USD 283 P.O. Box 87 Longton, KS 67352.....	\$1,149.61
USD 300 P.O. Box 721 Coldwater, KS 67029.....	\$695.45

USD 444 Little River  
P.O. Box 218  
Little River, KS 67457.....\$1,659.53

Wichita Country Club  
P.O. Box 8105  
Wichita, KS 67208.....\$65.64

Wildcat Concrete Serv. Inc.  
P.O. Box 750075  
Topeka, KS 66675.....\$90.46

Sec. 5. (a) Except as otherwise provided by sections 2 through 5, and amendments thereto, the director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections to the claimants or their legal representatives or duly authorized agents, as provided by law.

(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 4, and amendments thereto, as motor-vehicle fuel tax refunds or as transactions between state agencies as provided by 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. 6.

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, 2015, by section 12(a) of 2015 House Substitute for Senate Bill No. 4, on the hearing instrument board fee fund of the Kansas board of examiners in the fitting and dispensing of hearing instruments is hereby decreased from \$28,627 to \$26,127.

(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:

Hearing instrument litigation fund.....\$2,500

Sec. 7.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On the effective date of this act, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2015, by section 61(a) of chapter 136 of the 2013 Session Laws of Kansas on the behavioral sciences regulatory board fee fund of the behavioral sciences regulatory board is hereby increased from \$500 to \$1,000.

Sec. 8.

STATE BOARD OF HEALING ARTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 7(a) of 2015 House Substitute for Senate Bill No. 4, on the healing arts fee fund of the state board of healing arts is hereby decreased from \$4,366,207 to \$4,331,207.

Sec. 9.

STATE BANK COMMISSIONER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 4(a) of 2015 House Substitute for Senate Bill No. 4 on the bank commissioner fee fund of the state bank commissioner is hereby increased from \$10,553,454 to \$10,653,090.

Sec. 10.

BOARD OF NURSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 13(a) of 2015 House Substitute for Senate Bill No. 4 on the board of nursing fee fund of the board of nursing is hereby decreased from \$2,590,604 to \$2,272,171.

Sec. 11.

KANSAS REAL ESTATE COMMISSION

(a) During the fiscal year ending June 30, 2015, notwithstanding the provisions of K.S.A. 58-3068, and amendments thereto, or any other statute, of the amount appropriated for the above agency from any special revenue fund or funds for fiscal year 2015 that is budgeted for the purpose of information technology projects or services, expenditures shall not be made from such budgeted amount by the above agency from any special revenue fund or funds for any other purpose.

Sec. 12.

LEGISLATURE

(a) In addition to the other purposes for which expenditures may be made by the above agency from the operations (including official hospitality) account of the state general fund for fiscal year 2015, expenditures shall be made by the above agency from the operations (including official hospitality) account of the state general fund for fiscal year 2015 for meetings of the legislative budget committee to develop a scope statement, draft a request for proposal, and solicit bids in an amount not to exceed \$3,000,000 for a review and evaluation of state government: *Provided*, That such review and evaluation shall include examining state agency core functions, procedures and efficiencies which may result in the consolidation of state agencies and functions, resulting in an overall reduction in expenditures: *Provided further*, That, the legislative budget committee shall have the authority to develop a scope statement, draft a request for proposal, and solicit bids pursuant to this subsection: *And provided further*, That, the

revisor of statutes, the director of legislative research and the legislative post auditor shall provide assistance to the committee: *And provided further*; That as used in this subsection, "state agency" means each state agency in this or other appropriation act of the 2015 regular session of the legislature, except that "state agency" shall not include: The legislature or any agency of the legislative branch of state government; or the judicial branch or any agency of the judicial branch of state government.

Sec. 13.

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).....\$9,949

Sec. 14.

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:

Gaming machine examination fund.....No limit

Sec. 15.

KANSAS COMMISSION ON VETERANS AFFAIRS OFFICE

(a) During the fiscal year ending June 30, 2015, expenditures from the soldiers' home fee fund, veterans' home fee fund, federal domiciliary per diem fund, and federal long term care per diem fund shall not exceed the limitation established for fiscal year 2015 by this or other appropriations act of the 2015 session of the legislature except 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 K.S.A. 75-3711(c), and amendments thereto.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 37(b) of 2015 House Substitute for Senate Bill No. 4 for the veterans' home fee fund of the Kansas commission on veterans affairs office is hereby decreased from \$2,927,328 to \$2,602,012.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 37(d) of 2015 House Substitute for Senate Bill No. 4 for the federal domiciliary per diem fund of the Kansas commission on veterans affairs office is hereby increased from \$1,262,704 to \$1,588,020.

Sec. 16.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF HEALTH CARE FINANCE

(a) During the fiscal year ending June 30, 2015, no expenditures shall be made by the secretary of health and environment from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 for the purpose of implementing a program under KanCare health homes for persons with

chronic conditions, unless the legislature expressly consents to implementation of such program and expenditures therefor.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 133(a) of chapter 136 of the 2013 Session Laws of Kansas on the other medical assistance account of the state general fund of the department for health and environment – division of health care finance is hereby decreased from \$643,290,000 to \$618,990,000.

Sec. 17.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 138(a) of chapter 136 of the 2013 Session Laws of Kansas on the community based services account of the state general fund of the Kansas department for aging and disability services is hereby decreased from \$96,870,751 to \$90,670,751.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 40(a) of 2015 House Substitute for Senate Bill No. 4 on the other medical assistance account of the state general fund of the Kansas department for aging and disability services is hereby decreased from \$6,329,716 to \$3,329,716.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 40(d) of 2015 House Substitute for Senate Bill No. 4 on the Osawatomie state hospital fee fund of the Kansas department for aging and disability services is hereby increased from \$8,681,367 to \$10,181,367.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 40(e) of 2015 House Substitute for Senate Bill No. 4 on the title XIX fund of the Kansas department for aging and disability services is hereby increased from \$46,542,289 to \$47,542,289.

Sec. 18.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 41(a) of 2015 House Substitute for Senate Bill No. 4 on the youth services aid and assistance account of the state general fund of the Kansas department for children and families is hereby decreased from \$10,200,000 to \$8,100,000.

(b) On the effective date of this act, 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:

SNAP employment and training pilot fund.....No limit

Sec. 19.

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.....\$4,445  
Sec. 20.

DEPARTMENT OF EDUCATION

(a) In addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures (including official hospitality) account of the department of education for the fiscal year ending June 30, 2015, by section 144 of chapter 136 of the 2013 Session Laws of Kansas, or section 7 of chapter 93 of the 2014 Session Laws of Kansas, expenditures shall be made from this account to issue a request for proposal to provide a statewide Kansas reading success program: *Provided*, That the purpose of this program is to provide academic support to help ensure achievement on grade level in reading: *Provided further*, That such program shall be available to all Kansas public school students in grades Pre-K through 8 and be online-delivered, interactive computer adaptive reading assessment and research-based intervention for use both at school and at home: *And provided further*, That the program shall be correlated to at least one of the commonly used reading assessments, such as DIBELS or the Kansas State Reading Test and the vendor must provide evidence that this program improves reading skills and scores: *And provided further*, That such program must automatically place students into a personalized learning path, continually tailor instruction to the individual needs of the student: *And provided further*, That such program shall provide teachers and administrators with immediate reporting, provide recommendations for interventions and provide teacher lessons and resources for teachers in order to deliver direct instruction based on the individual student needs: *And provided further*, That such program must make reporting and resources available to parents regarding student participation via a home portal: *And provided further*, That such program must be able to provide a computer adaptive-assessment, provide teachers, principals, and districts immediate on-line reporting including norm-referenced performance data that will enable teachers to plan and modify reading instruction without having to stop instructional time to administer a test: *And provided further*, That such program must provide accurate and predictive scores indicating the likelihood of a student being able to reach the requisite grade level reading skills by the end of the school year and an action plan for the students' teacher: *And provided further*, To ensure effective implementation of the program in conjunction with the beginning of the academic school year, the department of education shall issue a request for proposal to carry out the requirements of this provision no later than July 1, 2015, with plans to announce and implement the program no later than August 15, 2015.

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Supplemental general state aid.....\$1,976,818

(c) On the effective date of this act, notwithstanding the provisions of K.S.A. 72-8814, as amended by section 63 of 2015 House Substitute for Senate Bill No. 7, prior to its repeal, or any other statute, during the fiscal year ending June 30, 2015, the director of accounts and reports shall transfer an amount not to exceed \$3,958,900 from the state general fund to the school district capital outlay state aid fund: *Provided*, That the state board of education shall distribute such moneys to pay the remaining proportionate share of the entitlement to each school district as determined under the provisions of

K.S.A. 72-8814(b), as amended by section 63 of 2015 House Substitute for Senate Bill No. 7, prior to its repeal.

(d) On the effective date of this act, notwithstanding the provisions of K.S.A. 72-6418, prior to its repeal, section 8 of 2015 House Substitute for Senate Bill No. 7, or any other statute, during the fiscal year ending June 30, 2015, any district that has been paid more than it is entitled to receive under any distributions made under the provisions of K.S.A. 72-6434, as amended by section 38 of 2015 House Substitute for Senate Bill No. 7, prior to its repeal, or K.S.A. 72-8814, as amended by section 63 of 2015 House Substitute for Senate Bill No. 7, prior to its repeal, shall be entitled to retain such overpayment.

(e) On the effective date of this act, of the \$2,760,946,624 appropriated for the above agency for the fiscal year ending June 30, 2017, by section 3(a) of 2015 House Substitute for Senate Bill No. 7 from the state general fund in the block grants to USDs account, the sum of \$3,500,000 is hereby lapsed.

Sec. 21.

PITTSBURG STATE UNIVERSITY

(a) On the effective date of this act, of the \$325,199 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 237(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the armory/classroom/recreation center debt service account, the sum of \$2,060 is hereby lapsed.

Sec. 22.

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:

Incentive for technical education.....\$750,000

*Provided*, That, on the effective date of this act, notwithstanding the provisions of K.S.A. 72-4489, and amendments thereto, or any other statute, the state board of regents shall grant an award in an amount equal to \$1,000 for each pupil graduating from a high school in a school district having obtained an industry-recognized credential either prior to graduation from high school or by December 31 immediately following graduation in an occupation that has been identified by the secretary of labor in consultation with the state board of regents and the state board of education as an occupation in highest need of additional skilled employees at the time the pupil entered the career technical education course or program in the school district: *Provided further*, That, if the amount of moneys appropriated for the above agency for fiscal year 2015 is less than the amount of moneys to be awarded to such school districts, the state board of regents shall prorate the available moneys to such school districts accordingly.

(b) On the effective date of this act, during the fiscal year ending June 30, 2015, notwithstanding the provisions of any other statutes, the state board of regents, with the approval of the director of the budget, may transfer moneys that are credited to an account of the state general fund of the state board of regents to another account of the state general fund of the state board of regents in the aggregate amount not exceeding \$3,100,000: *Provided*, That 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.

Sec. 23.

#### KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 52(d) of 2015 House Substitute for Senate Bill No. 4 on the parks fee fund of the Kansas department of wildlife, parks and tourism is hereby decreased from \$6,570,990 to \$6,199,882.

Sec. 24.

#### STATE BOARD OF MORTUARY ARTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 11(a) of 2015 House Substitute for Senate Bill No. 4 for the mortuary arts fee fund is hereby increased from \$285,756 to \$292,002.

Sec. 25.

#### KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 5(a) of 2015 House Substitute for Senate Bill No. 4 on the board of barbering fee fund of the Kansas board of barbering is hereby increased from \$152,864 to \$156,849.

Sec. 26.

#### DEPARTMENT OF ADMINISTRATION

(a) On the effective date of this act, during the fiscal year ending June 30, 2015, pursuant to section 31(c) of 2015 House Substitute for Senate Bill No. 4, in addition to the provisions allowing the secretary of administration to determine the amount of moneys appropriated in each account of the state general fund that are not required to be expended or encumbered for an information technology project for the fiscal year ending June 30, 2015, the secretary shall determine the amount of moneys appropriated in each account of any special revenue fund that are not required to be expended or encumbered for an information technology project for the fiscal year ending June 30, 2015, and shall certify each such amount to the director of the budget, accompanied by such other information with respect thereto as may be prescribed by the director of the budget: *Provided*, That, on or before June 30, 2015, the director of the budget shall certify each amount appropriated from each special revenue fund, which is certified by the secretary of administration pursuant to this section, to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby transferred to the state general fund: *Provided further*, That, at the same time as the director of the budget transmits each such certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research: *And provided further*, That the aggregate of all amounts lapsed from appropriations from the state general fund pursuant to section 31(c) of 2015 House Substitute for Senate Bill No. 4 and amounts transferred from special revenue

funds pursuant to this subsection, shall be equal to \$3,800,000 or more.

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

John Redmond reservoir debt service.....	\$131,382
University of Kansas medical education building debt service.....	\$169,517
Debt service refunding.....	\$1,485,239

(c) On or before June 30, 2015, the director of accounts and reports shall transfer \$245,212 from the statehouse debt service – state highway fund of the department of administration to the state general fund.

(d) On or before June 30, 2015, the director of accounts and reports shall transfer \$26,540 from the public broadcasting digital conversion debt service fund of the department of administration to the state general fund.

(e) On the effective date of this act, of the \$16,146,050 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 211(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the Kansas department of transportation – CTP – debt service account of the state general fund, the sum of \$1,279,370 is hereby lapsed.

(f) On the effective date of this act, of the \$20,987,985 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 211(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the statehouse improvements — debt service account of the state general fund, the sum of \$258,796 is hereby lapsed.

Sec. 27.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Litigation support.....	\$315,955
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Sec. 28.

DEPARTMENT OF CORRECTIONS

(a) On the effective date of this act, of the \$21,266,989 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 86(a) of chapter 142 of the 2014 Session Laws of Kansas from the state general fund in the purchase of services account, the sum of \$840,000 is hereby lapsed.

(b) On the effective date of this act, of the \$1,043,850 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 247(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the debt service payment for the infrastructure projects bond issue account of the state general fund, the sum of \$115,204 is hereby lapsed.

(c) On the effective date of this act, of the \$1,403,750 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 247(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the debt service payment for the reception and diagnostic unit relocation bond issue account of the state general

fund, the sum of \$76,241 is hereby lapsed.

Sec. 29.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, of the \$9,162,358 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(b) of chapter 136 of the 2013 Session Laws of Kansas from the state economic development initiatives fund in the operating grant (including official hospitality) account, the sum of \$250,000 is hereby lapsed.

(b) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(b) of chapter 136 of the 2013 Session Laws of Kansas from the state economic development initiatives fund in the rural opportunity zones program account, the sum of \$2,000,000 is hereby lapsed.

Sec. 30.

ABSTRACTERS' BOARD OF 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:

Abstracters' fee fund	
For the fiscal year ending June 30, 2016.....	\$22,500
For the fiscal year ending June 30, 2017.....	\$23,348

Sec. 31.

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, 2016.....	\$362,647
<i>Provided</i> , That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2016, for official hospitality shall not exceed \$1,000.	
For the fiscal year ending June 30, 2017.....	\$370,150
<i>Provided</i> , That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2017, for official hospitality shall not exceed \$1,000.	

Special litigation reserve fund	
For the fiscal year ending June 30, 2016.....	No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2016, 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, 2017.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2017, 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, 2016, 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, 2016, 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, 2017, 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, 2017, 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. 32.

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, 2016.....\$10,607,989

*Provided*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2016, 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, 2016, for official hospitality for the division of banking shall not exceed \$1,000.

For the fiscal year ending June 30, 2017.....\$11,043,185

*Provided*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2017, 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, 2017, 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, 2016.....No limit  
For the fiscal year ending June 30, 2017.....No limit

Consumer education settlement fund  
For the fiscal year ending June 30, 2016.....No limit

*Provided*, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2016, 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, 2017.....No limit

*Provided*, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2017, 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, 2016.....No limit

*Provided*, That the above agency is authorized to make expenditures from the litigation expense fund for the fiscal year ending June 30, 2016, 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, 2016, 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, 2017.....No limit

*Provided*, That the above agency is authorized to make expenditures from the litigation expense fund for the fiscal year ending June 30, 2017, 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, 2017, 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, 2016, and June 30, 2017,

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. 33.

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, 2016.....\$174,366
- Provided*, That expenditures from the board of barbering fee fund for the fiscal year ending June 30, 2016, for official hospitality shall not exceed \$500.
- For the fiscal year ending June 30, 2017.....\$176,688
- Provided*, That expenditures from the board of barbering fee fund for the fiscal year ending June 30, 2017, for official hospitality shall not exceed \$500.

Sec. 34.

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, 2016.....\$730,635
- Provided*, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2016, for official hospitality shall not exceed \$1,000:
- Provided further*, That all expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2016, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2016.
- For the fiscal year ending June 30, 2017.....\$737,043
- Provided*, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2017, for official hospitality shall not exceed \$1,000:
- Provided further*, That all expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2017, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2017.

Sec. 35.

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, 2016.....\$4,611,175

*Provided*, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2016, 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, 2016, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2016.

For the fiscal year ending June 30, 2017.....\$4,727,977

*Provided*, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2017, 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, 2017, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2017: *And provided further*; That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2017, 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 2017.

Medical records maintenance trust fund  
For fiscal year ending June 30, 2016.....\$35,000

For fiscal year ending June 30, 2017.....\$35,000

Sec. 36.

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, 2016.....\$901,159

*Provided*, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2016, for official hospitality shall not exceed \$2,000.

For the fiscal year ending June 30, 2017.....\$909,621

*Provided*, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2017, for official hospitality shall not exceed \$2,000.

Sec. 37.

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, 2016.....\$1,165,765

*Provided*, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2016, for official hospitality shall not exceed \$300.

For the fiscal year ending June 30, 2017.....\$1,193,175  
*Provided*, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2017, for official hospitality shall not exceed \$300.  
 Sec. 38.

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, 2016.....\$401,453  
*Provided*, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2016, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2017..... \$411,564  
*Provided*, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2017, for official hospitality shall not exceed \$500.

Special litigation reserve fund  
 For the fiscal year ending June 30, 2016.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2016, 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, 2017.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2017, 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, 2016, 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, 2016, 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, 2017, 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, 2017, 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. 39.

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, 2016.....	\$306,862
For the fiscal year ending June 30, 2017.....	\$318,644

Sec. 40.

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, 2016.....	\$25,657
For the fiscal year ending June 30, 2017.....	\$26,448
Hearing instrument litigation fund	
For the fiscal year ending June 30, 2016.....	\$3,500

*Provided*, That no expenditures shall be made from the hearing instrument litigation fund for the fiscal year ending June 30, 2016, 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, 2017.....	\$3,500
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*Provided*, That no expenditures shall be made from the hearing instrument litigation fund for the fiscal year ending June 30, 2017, 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, 2016, the executive officer of the Kansas board of examiners in fitting and dispensing of hearing instruments, with the approval of the director of the budget, may transfer moneys from the hearing instrument board fee fund to the hearing instrument litigation fund of the Kansas board of examiners in fitting and dispensing of hearing instruments: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2016, shall not exceed \$3,500: *Provided further*, That the executive officer of the Kansas board of examiners in fitting and dispensing of hearing instruments 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, 2017, the executive officer of the Kansas board of examiners in fitting and dispensing of hearing instruments, with the approval of the director of the budget, may transfer moneys from the hearing instrument board fee fund to the hearing instrument litigation fund of the Kansas board of examiners in fitting and dispensing of hearing instruments: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2017, shall not exceed \$3,500: *Provided further*, That the executive officer of the Kansas board of examiners in fitting and dispensing of hearing instruments 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. 41.

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, 2016.....	\$2,397,402
<i>Provided</i> , That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2016, for official hospitality shall not exceed \$500.	
For the fiscal year ending June 30, 2017.....	\$2,430,848
<i>Provided</i> , That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2017, for official hospitality shall not exceed \$500.	
Gifts and grants fund	
For the fiscal year ending June 30, 2016.....	No limit
For the fiscal year ending June 30, 2017.....	No limit
Education conference fund	
For the fiscal year ending June 30, 2016.....	No limit
For the fiscal year ending June 30, 2017.....	No limit

Criminal background and fingerprinting fund  
 For the fiscal year ending June 30, 2016.....No limit  
 For the fiscal year ending June 30, 2017.....No limit  
 Sec. 42.

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, 2016.....\$107,277

*Provided*, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2016, for official hospitality shall not exceed \$600.

For the fiscal year ending June 30, 2017.....\$109,591

*Provided*, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2017, for official hospitality shall not exceed \$600.

Optometry litigation fund  
 For the fiscal year ending June 30, 2016.....No limit

*Provided*, That no expenditures shall be made from the optometry litigation fund for the fiscal year ending June 30, 2016, 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, 2017.....No limit

*Provided*, That no expenditures shall be made from the optometry litigation fund for the fiscal year ending June 30, 2017, 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.

Criminal history fingerprinting fund  
 For the fiscal year ending June 30, 2016.....No limit  
 For the fiscal year ending June 30, 2017.....No limit

(b) During the fiscal year ending June 30, 2016, the executive officer of the board of examiners in optometry, with the approval of the director of the budget, may transfer moneys from the optometry fee fund to the optometry litigation fund of the board of examiners in optometry: *Provided*, That the aggregate of such transfers for the fiscal

year ending June 30, 2016, shall not exceed \$50,000: *Provided further*; That the executive officer of the board of examiners in optometry shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(c) During the fiscal year ending June 30, 2017, the executive officer of the board of examiners in optometry, with the approval of the director of the budget, may transfer moneys from the optometry fee fund to the optometry litigation fund of the board of examiners in optometry: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2017, shall not exceed \$50,000: *Provided further*; That the executive officer of the board of examiners in optometry shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 43.

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, 2016.....\$1,209,866

*Provided*, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2016, for official hospitality shall not exceed \$1,500.

For the fiscal year ending June 30, 2017.....\$1,138,888

*Provided*, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2017, for official hospitality shall not exceed \$1,500.

State board of pharmacy litigation fund  
 For the fiscal year ending June 30, 2016.....No limit

*Provided*, That no expenditures shall be made from the state board of pharmacy litigation fund for the fiscal year ending June 30, 2016, 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, 2017.....No limit

*Provided*, That no expenditures shall be made from the state board of pharmacy litigation fund for the fiscal year ending June 30, 2017, 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.

Harold Rogers prescription federal fund  
For the fiscal year ending June 30, 2016.....No limit  
For the fiscal year ending June 30, 2017.....No limit

NASPER grant federal fund  
For the fiscal year ending June 30, 2016.....No limit  
For the fiscal year ending June 30, 2017.....No limit

Non-federal gifts and grants fund  
For the fiscal year ending June 30, 2016.....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 2016: *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 2016 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, 2017.....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 2017: *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 2017 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, 2016.....No limit  
For the fiscal year ending June 30, 2017.....No limit

(b) During the fiscal year ending June 30, 2016, the executive director of the state board of pharmacy, with the approval of the director of the budget, may transfer moneys from the state board of pharmacy fee fund to the state board of pharmacy litigation fund of the state board of pharmacy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2016, shall not exceed \$50,000: *Provided further*, That the executive director of the state board of pharmacy 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, 2017, the executive director of the state board of pharmacy, with the approval of the director of the budget, may transfer moneys from the state board of pharmacy fee fund to the state board of pharmacy litigation fund

of the state board of pharmacy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2017, shall not exceed \$50,000: *Provided further*, That the executive director of the state board of pharmacy 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. 44.

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, 2016.....	\$237,713
<i>Provided</i> , That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2016, for official hospitality shall not exceed \$375.	
For the fiscal year ending June 30, 2017.....	\$243,286
<i>Provided</i> , That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2017, for official hospitality shall not exceed \$375.	
Federal registry clearing fund	
For the fiscal year ending June 30, 2016.....	No limit
For the fiscal year ending June 30, 2017.....	No limit
AMC federal registry clearing fund	
For the fiscal year ending June 30, 2016.....	No limit
For the fiscal year ending June 30, 2017.....	No limit
Appraisal management companies fee fund	
For the fiscal year ending June 30, 2016.....	\$78,739
For the fiscal year ending June 30, 2017.....	\$80,598

Sec. 45.

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, 2016.....	\$1,004,286
<i>Provided</i> , That expenditures from the real estate fee fund for the fiscal year ending June 30, 2016, for official hospitality shall not exceed \$200.	
For the fiscal year ending June 30, 2017.....	\$1,037,746
<i>Provided</i> , That expenditures from the real estate fee fund for the fiscal year ending June 30, 2017, for official hospitality shall not exceed \$200.	
Real estate recovery revolving fund	
For the fiscal year ending June 30, 2016.....	No limit
For the fiscal year ending June 30, 2017.....	No limit
Background investigation fee fund	

For the fiscal year ending June 30, 2016.....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, 2017.....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.

(b) During the fiscal year ending June 30, 2016, notwithstanding the provisions of K.S.A. 58-3068, and amendments thereto, or any other statute, of the amount appropriated for the above agency from any special revenue fund or funds for fiscal year 2016 that is budgeted for the purpose of information technology projects or services, expenditures shall not be made from such budgeted amount by the above agency from any special revenue fund or funds for any other purpose.

(c) During the fiscal year ending June 30, 2017, notwithstanding the provisions of K.S.A. 58-3068, and amendments thereto, or any other statute, of the amount appropriated for the above agency from any special revenue fund or funds for fiscal year 2017 that is budgeted for the purpose of information technology projects or services, expenditures shall not be made from such budgeted amount by the above agency from any special revenue fund or funds for any other purpose.

Sec. 46.

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, 2016.....\$3,096,811

*Provided*, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2016, for official hospitality shall not exceed \$2,000.

For the fiscal year ending June 30, 2017.....\$3,158,462

*Provided*, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2017, for official hospitality shall not exceed \$2,000.

Investor education fund

For the fiscal year ending June 30, 2016.....No limit

*Provided*, That expenditures from the investor education fund for the fiscal year ending June 30, 2016, for official hospitality shall not exceed \$5,000.

For the fiscal year ending June 30, 2017.....No limit

*Provided*, That expenditures from the investor education fund for the fiscal year ending June 30, 2017, for official hospitality shall not exceed \$5,000.

Sec. 47.

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, 2016.....\$634,025

*Provided*, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2016, for official hospitality shall not exceed \$1,000.

For the fiscal year ending June 30, 2017.....\$643,692

*Provided*, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2017, for official hospitality shall not exceed \$1,000.

Special litigation reserve fund  
For the fiscal year ending June 30, 2016.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2016, 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, 2017.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2017, 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. 48.

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, 2017.....\$394,343

Sec. 49.

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, 2016.....\$369,717

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

For the fiscal year ending June 30, 2017.....\$382,551

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(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, 2016.....\$246,577

For the fiscal year ending June 30, 2017.....\$263,520

Sec. 50.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Legislative coordinating council – operations.....\$540,717

*Provided*, That any unencumbered balance in the legislative coordinating council – operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Legislative research department – operations.....\$3,585,101

*Provided*, That any unencumbered balance in the legislative research department – operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Office of revisor of statutes – operations.....\$3,058,904

*Provided*, That any unencumbered balance in the office of revisor of statutes – operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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. 51.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Legislative coordinating council – operations.....\$539,114

*Provided*, That any unencumbered balance in the legislative coordinating council – operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for

fiscal year 2017.

Legislative research department – operations.....\$3,585,504  
*Provided*, That any unencumbered balance in the legislative research department – operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Office of revisor of statutes – operations.....\$3,057,448  
*Provided*, That any unencumbered balance in the office of revisor of statutes – operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative research department special revenue fund.....No limit  
 Sec. 52.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operations (including official hospitality).....\$12,915,607  
*Provided*, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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 2016 unless such meeting is approved by the legislative coordinating council: *And provided further*; That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no

expenditures shall be made from this account for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2016: *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 2016: *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 2016: *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 2016: *And provided further*, That, notwithstanding the provisions of K.S.A. 75-1005, and amendments thereto, or any other statute, expenditures may be made from this account to reimburse members of the legislature for expenses incurred in printing correspondence with constituents: *And provided further*, That no expenses shall be reimbursed unless a legislator has first obtained approval for such printing by the director of legislative administrative services: *And provided further*, That such reimbursements shall only be issued after a legislator provides written receipts showing such expense to the director of legislative administrative services: *And provided further*, That the maximum amount reimbursed to any legislator shall be equal to or less than the maximum amount allotted to any legislator for constituent correspondence pursuant to policies adopted by the legislative coordinating council.

Legislative information system.....	\$4,387,146
Jordan-legislative claim.....	\$107,878
Efficiency analysis review.....	\$3,000,000

*Provided*, That expenditures may be made by the above agency from this account for the fiscal year ending June 30, 2016, to enter into a contract with a professional consulting service to assist in the review and evaluation of state government: *Provided further*, That such review and evaluation shall include examining state agency core functions, procedures and efficiencies which may result in the consolidation of state agencies and functions, resulting in an overall reduction in expenditures: *And provided further*, That the legislative budget committee shall have the authority to develop a scope statement, draft a request for proposal, and solicit bids in an amount not to exceed \$3,000,000 for such a review and evaluation: *And provided further*, That the legislative coordinating council shall approve any such contract: *And provided further*, That such consulting service shall provide a preliminary report to the house appropriations committee and the senate ways and means committee on or before January 1, 2016: *And provided further*, That as used in this subsection, "state agency" means each state agency in this or other appropriation act of the 2015 regular session of the legislature, except that "state agency" shall not include: The legislature or any agency of the legislative branch of state government; or the judicial branch or any agency of the

judicial branch of state government.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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 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 2016 unless such meeting is approved by the legislative coordinating council: *And provided further*, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of copies of the permanent journals of the senate or house of

representatives to each member of the legislature during fiscal year 2016: *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 2016: *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 2016: *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 2016.

Capitol restoration – gifts and donations fund.....No limit

(c) As used in this section, "joint committee" includes the joint committee on administrative rules and regulations, health care stabilization fund oversight committee, joint committee on special claims against the state, legislative budget committee, joint committee on state building construction, joint committee on information technology, joint committee on pensions, investments and benefits, joint committee on state-tribal relations, confirmation oversight committee, joint committee on corrections and juvenile justice oversight, compensation commission, joint committee on Kansas security, Robert G. (Bob) Bethell joint committee on home and community based services and Kancare oversight, capitol restoration commission, 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. 53.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operations (including official hospitality).....\$12,880,354

*Provided*, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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 2017 unless such meeting is approved by the legislative coordinating council: *And provided further*; That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2017: *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 2017: *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 2017: *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 2017: *And provided further*; That, notwithstanding the provisions of K.S.A. 75-1005, and amendments thereto, or any other statute, expenditures may be made from this account to reimburse members of the legislature for expenses incurred in printing correspondence with constituents: *And provided further*; That no expenses shall be reimbursed unless a legislator has first obtained approval for such printing by the director of legislative administrative services: *And provided further*; That such reimbursements shall only be issued after a legislator provides written receipts showing such expense to the director of legislative administrative services: *And provided further*; That the maximum amount reimbursed to any legislator shall be equal to or less than the maximum amount allotted to any legislator for constituent correspondence pursuant to policies adopted by the legislative coordinating council.

Legislative information system.....\$4,301,391

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other

than refunds authorized by law 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 2017 unless such meeting is approved by the legislative coordinating council: *And provided further*, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2017: *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 2017: *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 2017: *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 2017.

Capitol restoration – gifts and donations fund.....No limit

(c) As used in this section, "joint committee" includes the joint committee on administrative rules and regulations, health care stabilization fund oversight committee, joint committee on special claims against the state, legislative budget committee, joint committee on state building construction, joint committee on information technology, joint committee on pensions, investments and benefits, joint committee on state-tribal relations, confirmation oversight committee, joint committee on corrections and juvenile justice oversight, compensation commission, joint committee on Kansas security, Robert G. (Bob) Bethell joint committee on home and community based services and Kancare 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. 54.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operations (including legislative post audit committee).....\$2,352,344

*Provided*, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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

(c) Notwithstanding the provisions of any statute, during the fiscal year ending

June 30, 2016, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2016, 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 2015 regular session of the legislature, to pay for any monumental building surcharge charged by the department of administration or any other state agency. During the fiscal year ending June 30, 2016, the above agency shall not be liable to pay and shall be exempt from such surcharge.

(d) In addition to other purposes for which expenditures may be made by the division of post audit from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 as authorized by this act or other appropriation act of the 2015 regular session of the legislature, expenditures may be made by the division of post audit from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 to conduct information technology audits as directed by the legislative post audit committee: *Provided*, That audit work performed under this section may include: (1) Assessment of security practices of information technology systems maintained or administered by state agency or any entity subject to audit under the provisions of K.S.A. 46-1114(c), and amendments thereto; and (2) continuous audits of ongoing information technology projects by state agency or any entity subject to audit under the provisions of K.S.A. 46-1114(c), and amendments thereto, including systems development and implementation: *Provided further*, That written reports on the results of such auditing shall be furnished to the governor, the entity which is being audited, the chief information technology officers of the executive, legislative and judicial branches, the legislative post audit committee, the joint committee on information technology and such other persons or agencies as may be required by law or by the specifications of the audit or as otherwise directed by the legislative post audit committee: *And provided further*, That the provisions of K.S.A. 46-1106(g), and amendments thereto, shall apply to any audit or audit work conducted pursuant to this section: *And provided further*, That, notwithstanding the provisions of K.S.A. 46-1128, and amendments thereto, or any other statute, legislative post auditor may report in writing outside of a regularly scheduled meeting to the legislative post audit committee, the joint committee on information technology, and the chief information technology officers of the executive, legislative and judicial branches, when, in the opinion of the post auditor, it appears that an information technology project being audited is at risk due to a failure to meet key milestones, or failure to receive sufficient deliverables after a contract payment, significant cost overruns, or when the post auditor finds the project is not being efficiently and effectively implemented in accordance with its original stated purpose and goals.

Sec. 55.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operations (including legislative post audit committee).....\$2,349,908

*Provided*, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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

(c) Notwithstanding the provisions of any statute, during the fiscal year ending June 30, 2017, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2017, 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 2015 or 2016 regular session of the legislature, to pay for any monumental building surcharge charged by the department of administration or any other state agency. During the fiscal year ending June 30, 2017, the above agency shall not be liable to pay and shall be exempt from such surcharge.

(d) In addition to other purposes for which expenditures may be made by the division of post audit from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 as authorized by this act or other appropriation act of the 2015 or 2016 regular session of the legislature, expenditures may be made by the division of post audit from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 to conduct information technology audits as directed by the legislative post audit committee: *Provided*, That audit work performed under this section may include: (1) Assessment of security practices of information technology systems maintained or administered by state agency or any entity subject to audit under the provisions of K.S.A. 46-1114(c), and amendments thereto; and (2) continuous audits of ongoing information technology projects by state agency or any entity subject to audit under the provisions of K.S.A. 46-1114(c), and amendments thereto, including systems development and implementation: *Provided further*, That written reports on the results of such auditing shall be furnished to the governor, the entity which is being audited, the chief information technology officers of the executive, legislative and judicial branches, the legislative post audit committee, the joint committee on information technology and such other persons or agencies as may be required by law or by the specifications of the audit or as otherwise directed by the legislative post audit committee: *And provided further*, That the provisions of K.S.A. 46-1106(g), and amendments thereto, shall apply to any audit or audit work conducted pursuant to this section: *And provided further*, That, notwithstanding the provisions of K.S.A. 46-1128, and amendments thereto, or any other statute, legislative post auditor may report in writing outside of a regularly scheduled meeting to the legislative post audit committee, the joint committee on

information technology, and the chief information technology officers of the executive, legislative and judicial branches, when, in the opinion of the post auditor, it appears that an information technology project being audited is at risk due to a failure to meet key milestones, or failure to receive sufficient deliverables after a contract payment, significant cost overruns, or when the post auditor finds the project is not being efficiently and effectively implemented in accordance with its original stated purpose and goals.

Sec. 56.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Governor's department.....\$2,106,327

*Provided*, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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.....\$3,606,280

*Provided*, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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.....\$799,863

*Provided*, That any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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.....\$166,569

*Provided*, That any unencumbered balance in the lieutenant governor operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided further*, That expenditures may be made from the lieutenant governor – operations account for official hospitality and contingencies without limitation at the discretion of the lieutenant governor.

(b) Expenditures may be made by the above agency for travel expenses of the governor's spouse when accompanying the governor or when representing the governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2016, 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, 2016, 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, 2016, 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) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,343 from the medicaid fraud prosecution revolving fund of the attorney general to the domestic violence grants fund of the governor's department.

(f) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$33,348 from the medicaid fraud prosecution revolving fund of the attorney general to the child advocacy centers grants fund of the governor's department.

Sec. 57.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Governor's department.....\$2,145,349

*Provided*, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$3,605,882

*Provided*, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$799,763

*Provided*, That any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$169,704

*Provided*, That any unencumbered balance in the lieutenant governor – operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided further*; That expenditures may be made from the lieutenant governor – operations account for official hospitality and contingencies without limitation at the discretion of the lieutenant governor.

(b) Expenditures may be made by the above agency for travel expenses of the governor's spouse when accompanying the governor or when representing the governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2017, 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, 2017, 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, 2017, 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) On July 1, 2016, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,343 from the medicaid fraud prosecution revolving fund of the attorney general to the domestic violence grants fund of the governor's department.

(f) On July 1, 2016, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$33,348 from the medicaid fraud prosecution revolving fund of the attorney general to the child advocacy centers grants fund of the governor's department.

Sec. 58.

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

- Operating expenditures.....\$4,698,691  
*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000.
- Litigation costs.....\$78,000  
*Provided*, That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.
- Abuse, neglect and exploitation unit.....\$119,090  
*Provided*, That any unencumbered balance in the abuse, neglect and exploitation unit account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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, 2016, 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, 2016, all moneys now or hereafter 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
- Medicaid fraud control unit.....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. 2014 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
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
SSA fraud prevention federal fund.....	No limit
False claims litigation revolving fund.....	No limit
<i>Provided</i> , 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. 2014 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
Human trafficking victim assistance fund.....	No limit
Criminal appeals cost fund.....	No limit
Attorney general's open government fund.....	No limit
(c) During the fiscal year ending June 30, 2016, 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, 2015, 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) During the fiscal year ending June 30, 2016, the attorney general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2016 from the state general fund for the attorney general to another item of appropriation for fiscal year 2016 from the state general fund for the attorney general. The attorney general shall certify each such transfer to the director of	

accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) On July 1, 2015, or as soon thereafter as moneys are available, 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. 59.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures.....\$4,860,924  
*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000.

Litigation costs.....\$78,000  
*Provided*, That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Abuse, neglect and exploitation unit.....\$123,063  
*Provided*, That any unencumbered balance in the abuse, neglect and exploitation unit account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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, 2017, 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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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  
Medicaid fraud control unit.....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. 2014 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
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 cntnrs 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
SSA fraud prevention federal 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. 2014 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
Human trafficking victim assistance fund.....	No limit
Criminal appeals cost fund.....	No limit
Attorney general's open government fund.....	No limit

(c) During the fiscal year ending June 30, 2017, 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, 2016, 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) During the fiscal year ending June 30, 2017, the attorney general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2017 from the state general fund for the attorney general to another item of appropriation for fiscal year 2017 from the state general fund for the attorney general. The attorney general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) On July 1, 2016, or as soon thereafter as moneys are available, 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. 60.

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, 2016, 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
- Franchise fee recovery fund.....No limit

(b) During the fiscal year ending June 30, 2016, 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 2016 by the above agency by this or other appropriation act of the 2015 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 2016 regular session of the legislature and detailing costs to local units of governments for conducting elections which include proposed constitutional amendments.

Sec. 61.

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, 2017, 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
<i>Provided</i> , 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
Franchise fee recovery fund.....	No limit

(b) During the fiscal year ending June 30, 2017, 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 2017 by the above agency by this or other appropriation act of the 2015 or 2016 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 2017 regular session of the legislature and detailing costs to local units of governments for conducting elections which include proposed constitutional amendments.

Sec. 62.

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, 2016, 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.....\$1,559,726

*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 2016, the state treasurer is hereby authorized and directed to credit the first \$1,559,726 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 2016 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 2016 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, 2016, 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 10<sup>th</sup> day of each month during the fiscal year ending June 30, 2016, 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. 2014 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 15<sup>th</sup> day of each month that commences during fiscal year 2016, 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 10<sup>th</sup> day of each month commencing during fiscal year 2016, 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. 2014 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. 2014 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. 2014 Supp. 75-650, and amendments thereto, or any other statute, moneys are hereby appropriated for the fiscal year ending June 30, 2016, 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 15<sup>th</sup> day of each month that commences during fiscal year 2016, 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. 2014 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 10<sup>th</sup> day of each month commencing during fiscal year 2016, 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. 2014 Supp. 74-50,136, and amendments thereto.

Learjet bond fund.....No limit

*Provided*, That, on the 15<sup>th</sup> day of each month that commences during fiscal year 2016, 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. 2014 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 10<sup>th</sup> day of each month commencing during fiscal year 2016, 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. 2014 Supp. 74-50,136, and amendments thereto.

Siemens bond fund.....No limit  
*Provided*, That, on the 15<sup>th</sup> day of each month that commences during fiscal year 2016, 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. 2014 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 10<sup>th</sup> day of each month commencing during fiscal year 2016, 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. 2014 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, 2016, 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 2016, 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 2016 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 2016, 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.

(c) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the state treasurer operating fund of the state treasurer to the state general fund.

Sec. 63.

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, 2017, 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.....\$1,582,666

*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 2017, the state treasurer is hereby authorized and directed to credit the first \$1,582,666 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 2017 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 2017 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, 2017, 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 10<sup>th</sup> day of each month during the fiscal year ending June 30, 2017, 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. 2014 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 15<sup>th</sup> day of each month that commences during fiscal year 2017, 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 10<sup>th</sup> day of each month commencing during fiscal year 2017, 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. 2014 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. 2014 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. 2014 Supp. 75-650, and amendments thereto, or any other statute, moneys are hereby appropriated for the fiscal year ending June 30, 2017, 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 15<sup>th</sup> day of each month that commences during fiscal year 2017, 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. 2014 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 10<sup>th</sup> day of each month commencing during fiscal year 2017, 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. 2014 Supp. 74-50,136, and amendments thereto.

Learjet bond fund.....No limit

*Provided*, That, on the 15<sup>th</sup> day of each month that commences during fiscal year 2017, 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. 2014 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 10<sup>th</sup> day of each month commencing during fiscal year 2017, 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. 2014 Supp. 74-50,136, and amendments thereto.

Siemens bond fund.....No limit

*Provided*, That, on the 15<sup>th</sup> day of each month that commences during fiscal year 2017, 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. 2014 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 10<sup>th</sup> day of each month commencing during fiscal year 2017, 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. 2014 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, 2017, 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 2017, 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 2017 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 2017, 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. 64.

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, 2016, all moneys now or hereafter 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 the 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 2016 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) "2016 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 2016; (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) "2016 repayment amount" means the difference between the 2016 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 2016 shall not exceed the 2008 payment amount: *And provided further*; That the commissioner of insurance shall certify the 2016 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 2016 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 fund .....No 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 2016 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

Professional employer organization fee 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 2016 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 2016 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, 2015, October 1, 2015, January 1, 2016, and April 1, 2016, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 40-112, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$2,000,000 from the insurance department service regulation fund of the insurance department to the state general fund.

Sec. 65.

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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 the 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 2017 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) "2017 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 2017; (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) "2017 repayment amount" means the difference between the 2017 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 2017 shall not exceed the 2008 payment amount: *And provided further*; That the commissioner of insurance shall certify the 2017 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 2017 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 fund .....No 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 2017 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

Professional employer organization fee 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 2017 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 2017 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, 2016, October 1, 2016, January 1, 2017, and April 1, 2017, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 40-112, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$2,000,000 from the insurance department service regulation fund of the insurance department to the state general fund.

Sec. 66.

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, 2016, all moneys now or hereafter 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, 2016, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures.....\$1,935,426

*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. 67.

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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, 2017, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures.....\$1,994,885  
*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. 68.

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, 2016, all moneys now or hereafter 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, 2016, 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, 2016, 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. 69.

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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, 2017, 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, 2017, 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. 70.

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, 2016, the following:

Operating expenditures.....\$12,931,837

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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.....\$10,050,000

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2015, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2016: *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.....\$1,331,307

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2015, in the capital defense operations account is hereby reappropriated for fiscal year 2016: *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, 2015, in the indigents' defense services operations account is hereby reappropriated for fiscal year 2016: *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.

Litigation support.....\$950,000  
*Provided*, That any unencumbered balance in the litigation support account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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, 2016, 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, 2016, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2016 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. 71.

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, 2017, the following:

Operating expenditures.....\$13,308,664  
*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$10,050,000  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2016, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2017: *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.....\$1,372,257  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2016, in the capital defense operations account is hereby reappropriated for fiscal year 2017: *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, 2016, in the indigents' defense services operations account is hereby reappropriated for fiscal year 2017: *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.

Litigation support.....\$1,450,000  
*Provided*, That any unencumbered balance in the litigation support account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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, 2017, 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, 2017, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2017 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. 72.

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, 2016, all moneys now or hereafter 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 fund .....No limit

*Provided*, That, notwithstanding the provisions of K.S.A. 74-4921 et seq., and amendments thereto, any employer contributions remitted in accordance with the provisions of K.S.A. 20-2605, and amendments thereto, K.S.A. 74-4920, and amendments thereto, K.S.A. 74-4939, and amendments thereto, and K.S.A. 74-4967, and amendments thereto, for the purpose of paying the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be 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 2016: *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, 2016.

(b) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund for the fiscal year ending June 30, 2016, for the following specified purposes:

Agency operations.....\$11,925,367

*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, 2016, for the following specified purposes:

Agency operations.....\$105,047

Investment-related expenses.....No limit

(d) On July 1, 2015, 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, 2015, by the director of accounts and reports from the Kansas endowment for youth fund to the children's initiatives fund is hereby increased to \$51,200,000.

(e) On July 1, 2015, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 38-2101, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$9,578,000 from the Kansas endowment for youth fund to the state general fund.

(f) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the Kansas endowment for youth fund to the permanent families account - family and children investment fund of the judicial branch.

Sec. 73.

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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 fund .....No limit

*Provided*, That, notwithstanding the provisions of K.S.A. 74-4921 et seq., and amendments thereto, any employer contributions remitted in accordance with the provisions of K.S.A. 20-2605, and amendments thereto, K.S.A. 74-4920, and amendments thereto, K.S.A. 74-4939, and amendments thereto, and K.S.A. 74-4967, and amendments thereto, for the purpose of paying the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be 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 2017: *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, 2017.

(b) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund for the fiscal year ending June 30, 2017, for the following specified purposes:

Agency operations.....\$12,373,968

*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, 2017, for the following specified purposes:

Agency operations.....\$112,421

Investment-related expenses.....No limit

(d) On July 1, 2016, 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, 2016, by the director of accounts and reports from the Kansas endowment for youth fund to the children's initiatives fund is hereby increased to \$49,200,000.

(e) On July 1, 2016, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 38-2101, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$8,100,000 from the Kansas endowment for youth fund to the state general fund.

(f) On July 1, 2016, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the Kansas endowment for youth fund to the permanent families account - family and children investment fund of the

judicial branch.

Sec. 74.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures .....\$1,045,193

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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, 2016, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Federal fund .....No limit

Conversion of materials and equipment fund .....No limit

Annual banquet fund .....No limit

*Provided*, That expenditures may be made from the annual banquet fund for operating expenditures for the commission's annual banquet, including official hospitality: *Provided further*, That the executive director is hereby authorized to fix, charge and collect fees for such banquet: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such banquet, including official hospitality: *And provided further*, That all fees received for such banquet shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the annual banquet fund.

Education and training fund .....No 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. 75.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures .....\$1,076,515  
*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Federal fund .....No limit
- Conversion of materials and equipment fund .....No limit
- Annual banquet fund .....No limit

*Provided*, That expenditures may be made from the annual banquet fund for operating expenditures for the commission's annual banquet, including official hospitality: *Provided further*; That the executive director is hereby authorized to fix, charge and collect fees for such banquet: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such banquet, including official hospitality: *And provided further*; That all fees received for such banquet shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the annual banquet fund.

- Education and training fund .....No 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. 76.

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, 2016, all moneys now or hereafter 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 2017 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.....	\$0
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.....	\$0
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 10<sup>th</sup> 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.....	\$0
KETA administrative fund.....	No limit
KETA development fund.....	No limit

(b) Expenditures for the fiscal year ending June 30, 2016, 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 2016 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, 2016, 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 \$800,000 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, 2016, 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, 2015, 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 \$75,000 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, 2016, 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, 2016, 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, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$3,000,000 from the conservation fee fund of the state corporation commission to the state general fund.

(i) On July 1, 2015, 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. 77.

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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 2017 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 2017, 2018 and 2019.

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.....	\$0
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.....	\$0
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 10<sup>th</sup> 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.....	\$0
KETA administrative fund.....	No limit
KETA development fund.....	No limit

(b) Expenditures for the fiscal year ending June 30, 2017, 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 2017 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, 2017, 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 \$800,000 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, 2017, 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, 2016, 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 \$75,000 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, 2017, 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, 2017, 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, 2016, 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. 78.

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, 2016, all moneys now or hereafter 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.....\$860,390

(b) During the fiscal year ending June 30, 2016, 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 2016 for the citizens' utility ratepayer board as authorized by this or other appropriation act of the 2015 or 2016 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 2015, then the amount equal to the remaining amount of such expenditure authority for fiscal year 2015 may be expended from the utility regulatory fee fund for fiscal year 2016 pursuant to contracts for professional services and any such expenditure for fiscal year 2016 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2016.

(c) On and after the effective date of this act, during the fiscal year ending June 30, 2016, 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. 79.

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund.....\$897,017

(b) During the fiscal year ending June 30, 2017, 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 2017 for the citizens' utility ratepayer board as authorized by this or other appropriation act of the 2015 or 2016 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 2016, then the amount equal to the remaining amount of such expenditure authority for fiscal year 2016 may be expended from the utility regulatory fee fund for fiscal year 2017 pursuant to contracts for professional services and any such expenditure for fiscal year 2017 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2017.

(c) On and after the effective date of this act, during the fiscal year ending June 30, 2017, 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. 80.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures .....\$5,424,069

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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.....\$1,417,070

*Provided*, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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.....\$237,067

*Provided*, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

KPERS bonds debt service.....\$34,149,845

(b) There is appropriated for the above agency from the expanded lottery act

revenues fund for the fiscal year ending June 30, 2016, the following:

KPERS bond debt service.....	\$33,396,102
Public broadcasting digital conversion debt service.....	\$236,150

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

Federal cash management fund.....	No limit
State leave payment reserve fund.....	No limit
Building and ground fund.....	No limit
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
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*Provided*, That expenditures may be made from the purchasing fees fund for operating expenditures of the division of purchases, including training seminars and official hospitality: *Provided further*; That the director of purchases is hereby authorized to fix, charge and collect fees for operating expenditures incurred to reproduce and disseminate purchasing information, administer vendor applications, administer state contracts and conduct training seminars, including official hospitality: *And provided further*; That such fees shall be fixed in order to recover all or part of such operating expenses: *And provided further*; That all fees received for such operating expenses shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the purchasing fees fund.

Architectural services fee fund.....No limit  
*Provided*, That expenditures may be made from the architectural services fee fund for operating expenditures for distribution of architectural information: *Provided further*; That the director of facilities management is hereby authorized to fix, charge and collect fees for reproduction and distribution of architectural information: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenses incurred for reproducing and distributing architectural information: *And provided further*; That all fees received for such reproduction and distribution of architectural information shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services fee fund.

- Budget equipment conversion fund.....No limit
- Conversion of materials and equipment fund.....No limit
- Architectural services equipment conversion fund.....No limit
- Property contingency fund.....No limit
- Flood control emergency – federal fund.....No limit
- INK special revenue fund .....No limit
- FICA reimbursements medical residents fund.....No limit
- State buildings operating fund.....No limit

*Provided*, 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: *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. 2014 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
Docking state office building rehab, repair and razing fund.....	No limit
<i>Provided</i> , That expenditures shall be made from the Docking state office building rehab, repair and razing fund only for demolition of the Docking state office building and related reconstruction, relocation, and renovation of the power plant.	
Digital imaging program fund.....	No limit
<i>Provided</i> , That expenditures may be made from the digital imaging program fund for grants to state agencies for digital document imaging projects.	

(d) 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 2016 as authorized by this act or other appropriation act of the 2015 regular session of the legislature, expenditures may be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 to raze building no. 3 (Docking state office building). However, no expenditures may be made from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 by the department of administration to sell, lease, transfer or otherwise convey the land on which building no. 3 (Docking state office building) is situated.

(e) On July 1, 2015, 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, 2016, 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 2016 by this or other appropriation act of the 2015 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 2016 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, 2015, 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, 2016, except that such amount shall be proportionally adjusted during fiscal year 2016 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2016. 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 2015 and fiscal year 2016 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2016 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2016, 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 2016.

(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, 2015, 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, 2016, except that such amount shall be proportionally adjusted during fiscal year 2016 with respect to any change in the moneys to be transferred and credited to the state economic

development initiatives fund during fiscal year 2016. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2016 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2016, 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 2016.

(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, 2015, 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, 2016, except that such amount shall be proportionally adjusted during fiscal year 2016 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2016. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2016 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2016, 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 2016.

(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, 2015, 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, 2016, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2016 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2016, 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 2016.

(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, 2016, 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, 2016, from the state general fund for the department of administration to another item of appropriation for fiscal year 2016 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, 2016, 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, 2016, the following:

CIBF – state building insurance.....\$255,000

*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, 2015, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2016, 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 2016 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, 2015, 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 transferred on or before June 30, 2015, pursuant to section 112(p)(8)(E) of chapter 136 of the 2013 Session Laws of Kansas, to finance the cost of the 27<sup>th</sup> payroll chargeable to the fiscal year ending June 30, 2006, for state agencies.

(2) On or before September 1, 2015, 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 2016.

(3) (A) (i) Prior to August 15, 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 a specific expenditure limitation prescribed for fiscal year 2016 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 2016.

(ii) On or before June 30, 2016, 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 2016, 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, 2015, 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 2015 and which were not reappropriated for fiscal year 2016, 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 2015 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 2015 regular session of the legislature.

(C) Prior to August 15, 2015, 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, 2014, that were released during fiscal year 2015, and that were not specifically reappropriated by an appropriation act of the 2015 regular

session of the legislature.

(4) (A) On August 15, 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)(i), the appropriation for fiscal year 2016 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2016, by this or other appropriation act of the 2015 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, 2016, 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 2016 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2016, by this or other appropriation act of the 2015 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, 2015, 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 27<sup>th</sup> 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 27<sup>th</sup> 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, 2015, 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 2016 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, 2016, by this or other appropriation act of the 2015 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 2016.

(8) (A) On or before September 1, 2015, 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 27<sup>th</sup> 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, 2015, the director of accounts and reports shall transfer the balance of the 27<sup>th</sup> 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, 2015, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27<sup>th</sup> payroll adjustment account of the state general fund pursuant to this subsection (p), to reflect all moneys actually transferred and credited to the 27<sup>th</sup> payroll adjustment account of the state general fund pursuant to this subsection (p) during fiscal year 2016.

(D) On or before June 30, 2016, 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 27<sup>th</sup> 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, 2016, the director of accounts and reports shall transfer the balance of the 27<sup>th</sup> 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, 2016, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27<sup>th</sup> payroll adjustment account of the state general fund pursuant to this subsection (p), to reflect all moneys actually transferred and credited to the 27<sup>th</sup> payroll adjustment account of the state general fund pursuant to this subsection (p) during fiscal year 2016.

(G) On June 30, 2016, 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 27<sup>th</sup> payroll chargeable to the fiscal year ending June 30, 2016.

(H) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the 27<sup>th</sup> 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 27<sup>th</sup> 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, 2015, 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 27<sup>th</sup> payroll chargeable to the fiscal year 2006 and to provide for an adequate reserve in the 27<sup>th</sup> 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, 2016, 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 2016 by this or other appropriation act of the 2015 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 2016, 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, 2015, 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, 2016, except that such amount shall be proportionally adjusted during fiscal year 2016 with respect to any change in the moneys to be transferred and credited to the expanded lottery act revenues fund during fiscal year 2016. All moneys transferred and credited to the expanded lottery act revenues fund during fiscal year 2016 shall reduce the amount debited and credited to the expanded lottery act revenues fund under this subsection.

(2) On June 30, 2016, 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 2016.

(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) On or before June 30, 2016, the secretary of administration (A) shall determine the amount of moneys appropriated in each account of the state general fund or each special revenue fund appropriated for fiscal year 2016 for the cabinet agency that are not required to be expended or encumbered for an information technology project for the fiscal year ending June 30, 2016, and (B) shall certify each such amount to the director of the budget, accompanied by such other information with respect thereto as may be prescribed by the director of the budget: *Provided*, That, on or before

June 30, 2016, the director of the budget shall certify each amount appropriated from the state general fund, which is certified by the secretary of administration pursuant to this section, to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby lapsed: *Provided further*, That, on or before June 30, 2016, the director of the budget shall certify each amount appropriated from each special revenue fund, which is certified by the secretary of administration pursuant to this section, to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby transferred to the state general fund: *And provided further*, That, at the same time as the director of the budget transmits each such certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research: *And provided further*, That the aggregate of all amounts lapsed from appropriations from the state general fund and amounts transferred from special revenue funds pursuant to this subsection, shall be equal to \$15,000,000 or more.

(2) As used in this section, "cabinet agency" means the (A) department of administration, (B) department of revenue, (C) department of commerce, (D) department of labor, (E) department of health and environment, (F) Kansas department for aging and disability services, (G) Kansas department for children and families, (H) department of corrections, (I) adjutant general, (J) Kansas highway patrol, (K) Kansas department of agriculture, (L) Kansas department of wildlife, parks and tourism, and (M) department of transportation.

(t) On July 1, 2015, or as soon thereafter as moneys are available therefore, the director of accounts and reports shall transfer \$133,081 from the expanded lottery act revenues fund in the public broadcasting digital conversion debt service account to the state general fund.

(u) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$300,000 from the purchasing fees fund of the department of administration to the state general fund.

Sec. 81.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures .....\$5,474,044

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$1,488,485

*Provided*, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$242,514  
*Provided*, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided further*; That expenditures from this account for official hospitality shall not exceed \$1,000.

KPERS bonds debt service.....\$65,317,724  
 (b) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2017, the following:

KPERS bond debt service.....\$33,057,308  
 Public broadcasting digital conversion debt service.....\$574,944

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

Federal cash management fund.....No limit  
 State leave payment reserve fund.....No limit  
 Building and ground fund.....No limit  
 General fees fund.....No limit

*Provided*, That expenditures may be made from the general fees fund for operating expenditures for the division of personnel services, including human resources programs and official hospitality: *Provided further*; That the director of personnel services is hereby authorized to fix, charge and collect fees: *And provided further*; That fees shall be fixed in order to recover all or part of the operating expenses incurred, including official hospitality: *And provided further*; That all fees received, including fees received under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Human resource information systems cost recovery fund.....No limit  
 Budget fees fund.....No limit

*Provided*, That expenditures may be made from the budget fees fund for operating expenditures for the division of the budget, including training programs, special projects and official hospitality: *Provided further*; That the director of the budget is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*; That fees for such training programs and special projects shall be fixed in order to recover all or part of the operating expenses incurred for such training programs and special projects, including official hospitality: *And provided further*; That all fees received for such training programs and special projects and all fees received by the division of the budget under the open records act for providing access to or furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the budget fees fund.

Purchasing fees fund.....No limit  
*Provided*, That expenditures may be made from the purchasing fees fund for operating expenditures of the division of purchases, including training seminars and official hospitality: *Provided further*, That the director of purchases is hereby authorized to fix, charge and collect fees for operating expenditures incurred to reproduce and disseminate purchasing information, administer vendor applications, administer state contracts and conduct training seminars, including official hospitality: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenses: *And provided further*, That all fees received for such operating expenses shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the purchasing fees fund.

Architectural services fee fund.....No limit  
*Provided*, That expenditures may be made from the architectural services fee fund for operating expenditures for distribution of architectural information: *Provided further*, That the director of facilities management is hereby authorized to fix, charge and collect fees for reproduction and distribution of architectural information: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for reproducing and distributing architectural information: *And provided further*, That all fees received for such reproduction and distribution of architectural information shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services fee fund.

Budget equipment conversion fund.....No limit  
 Conversion of materials and equipment fund.....No limit  
 Architectural services equipment conversion fund.....No limit  
 Property contingency fund.....No limit  
 Flood control emergency – federal fund.....No limit  
 INK special revenue fund .....No limit  
 FICA reimbursements medical residents fund.....No limit  
 State buildings operating fund.....No limit

*Provided*, 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: *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. 2014 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
Docking state office building rehab, repair and razing fund.....	No limit
<i>Provided, That expenditures shall be made from the Docking state office building rehab, repair and razing fund only for demolition of the Docking state office building and related reconstruction, relocation, and renovation of the power plant.</i>	
Digital imaging program fund.....	No limit
<i>Provided, That expenditures may be made from the digital imaging program fund for grants to state agencies for digital document imaging projects.</i>	

(d) 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 2017 as authorized by this act or other appropriation act of the 2015 or 2016 regular session of the legislature, expenditures may be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 to raze building no. 3 (Docking state office building). However, no expenditures may be made from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 by the department of administration to sell, lease, transfer or otherwise convey the land on which building no. 3 (Docking state office building) is situated.

(e) On July 1, 2016, 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, 2017, 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 2017 by this or other appropriation act of the 2015 or 2016 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 2017 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, 2016, 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, 2017, except that such amount shall be proportionally adjusted during fiscal year 2017 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2017. 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 2016 and fiscal year 2017 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2017 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2017, 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 2017.

(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 (k) 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, 2016, 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, 2017, except that such amount shall be proportionally adjusted during fiscal year 2017 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2017. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2017 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2017, 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 2017.

(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, 2016, 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, 2017, except that such amount shall be proportionally adjusted during fiscal year 2017 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2017. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2017 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2017, 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 2017.

(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, 2016, 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, 2017, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2017 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2017, 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 2017.

(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 (h) 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, 2017, 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, 2017, from the state general fund for the department of administration to another item of appropriation for fiscal year 2017 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, 2017, the following:

SIBF – state building insurance .....\$240,000

*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, 2017, the following:

CIBF – state building insurance.....\$260,000

*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, 2016, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2017, 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 2017 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, 2016, 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 transferred on or before June 30, 2016, pursuant to section 55(p)(8)(E) of this act, to finance the cost of the 27<sup>th</sup> payroll chargeable to the fiscal year ending June 30, 2006, for state agencies.

(2) On or before September 1, 2016, 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 2017.

(3) (A) (i) Prior to August 15, 2016, 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 2017 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 2017.

(ii) On or before June 30, 2017, 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 2017, 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, 2016, 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 2016 and which were not reappropriated for fiscal year 2017, 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 2015 or 2016 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 2015 or 2016 regular session of the legislature.

(C) Prior to August 15, 2016, 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, 2015, that were released during fiscal year 2016, and that were not specifically reappropriated by an appropriation act of the 2015 or 2016 regular session of the legislature.

(4) (A) On August 15, 2016, 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 2017 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2017, by this or other appropriation act of the 2015 or 2016 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, 2017, 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 2017 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2017, by this or other appropriation act of the 2015 or 2016 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, 2016, 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 27<sup>th</sup> 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 27<sup>th</sup> 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, 2016, 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 2017 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, 2017, by this or other appropriation act of the 2015 or 2016 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 2017.

(8) (A) On or before September 1, 2016, 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 27<sup>th</sup> 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, 2016, the director of accounts and reports shall transfer the balance of the 27<sup>th</sup> 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, 2016, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27<sup>th</sup> payroll adjustment account of the state general fund pursuant to this subsection (p), to reflect all moneys actually transferred and credited to the 27<sup>th</sup> payroll adjustment account of the state general fund pursuant to this subsection (p) during fiscal year 2017.

(D) On or before June 30, 2017, 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 27<sup>th</sup> 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, 2017, the director of accounts and reports shall transfer the balance of the 27<sup>th</sup> 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, 2017, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27<sup>th</sup> payroll adjustment account of the state general fund pursuant to this subsection (p), to reflect all moneys actually transferred and credited to the 27<sup>th</sup> payroll adjustment account of the state general fund pursuant to this subsection (p) during fiscal year 2017.

(G) On June 30, 2017, 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 27<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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, 2016, 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 27<sup>th</sup>

payroll chargeable to the fiscal year 2006 and to provide for an adequate reserve in the 27<sup>th</sup> 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, 2017, 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 2017 by this or other appropriation act of the 2015 or 2016 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 2017, 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, 2016, 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, 2017, except that such amount shall be proportionally adjusted during fiscal year 2017 with respect to any change in the moneys to be transferred and credited to the expanded lottery act revenues fund during fiscal year 2017. All moneys transferred and credited to the expanded lottery act revenues fund during fiscal year 2017 shall reduce the amount debited and credited to the expanded lottery act revenues fund under this subsection.

(2) On June 30, 2017, 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 2017.

(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) On or before June 30, 2017, the secretary of administration (A) shall determine the amount of moneys appropriated in each account of the state general fund or each special revenue fund appropriated for fiscal year 2017 for the cabinet agency that are not required to be expended or encumbered for an information technology project for the fiscal year ending June 30, 2017, and (B) shall certify each such amount to the director of the budget, accompanied by such other information with respect thereto as may be prescribed by the director of the budget: *Provided*, That, on or before June 30, 2017, the director of the budget shall certify each amount appropriated from the state general fund, which is certified by the secretary of administration pursuant to this section, to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby lapsed: *Provided further*, That, on or before June 30, 2017, the director of the budget shall certify each amount appropriated from each special revenue fund, which is certified by the secretary of administration pursuant to this section, to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby transferred to the state general fund: *And provided further*, That, at the same time as the director of the budget transmits each such certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research: *And provided further*, That the aggregate of all amounts lapsed from appropriations from the state general fund and amounts transferred from special revenue funds pursuant to this subsection, shall be equal to \$15,000,000 or more.

(2) As used in this section, "cabinet agency" means the (A) department of administration, (B) department of revenue, (C) department of commerce, (D) department of labor, (E) department of health and environment, (F) Kansas department for aging and disability services, (G) Kansas department for children and families, (H) department of corrections, (I) adjutant general, (J) Kansas highway patrol, (K) Kansas department of agriculture, (L) Kansas department of wildlife, parks and tourism, and (M) department of transportation.

(t) On July 1, 2016, or as soon thereafter as moneys are available therefore, the director of accounts and reports shall transfer \$134,082 from the expanded lottery act revenues fund in the public broadcasting digital conversion debt service account to the state general fund.

Sec. 82.

OFFICE OF INFORMATION TECHNOLOGY SERVICES

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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
Public safety broadband services fund.....	No limit
CJIS Byrne Grant – federal fund.....	No limit
GIS contracting services fund.....	No limit
State and local implementation grant – federal fund.....	No limit

Sec. 83.

OFFICE OF INFORMATION TECHNOLOGY SERVICES

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Information technology fund.....	No limit
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*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
Public safety broadband services fund.....	No limit
CJIS Byrne Grant – federal fund.....	No limit
GIS contracting services fund.....	No limit
State and local implementation grant – federal fund.....	No limit

Sec. 84.

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, 2016, all moneys now or hereafter 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
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*Provided,* That expenditures from the administrative hearings office fund for official hospitality shall not exceed \$100.

Sec. 85.

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Administrative hearings office fund.....	No limit
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*Provided,* That expenditures from the administrative hearings office fund for official hospitality shall not exceed \$100.

Sec. 86.

STATE BOARD OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures.....\$806,429

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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.....\$4,000

BOTA filing fee fund.....\$1,009,375

(c) On July 1, 2015, the COTA filing fee fund of the state board of tax appeals is hereby redesignated as the BOTA filing fee fund of the state board of tax appeals.

Sec. 87.

STATE BOARD OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures.....\$798,281

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Duplicating fees fund.....\$4,000

BOTA filing fee fund.....\$1,073,173

Sec. 88.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures.....\$13,550,878

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016:

*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, 2016, all moneys now or hereafter 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.....\$46,570,956

*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, 2016: *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
Setoff services revenue fund.....	No limit
Publications fee fund.....	No limit
State bingo regulation fund.....	No limit
Child support enforcement contractual agreement fund.....	No limit
County treasurers' vehicle licensing fee fund.....	No limit
Tax amnesty recovery fund.....	No limit
Reappraisal reimbursement fund.....	No limit

*Provided*, That all moneys received for the costs incurred for conducting appraisals for any county shall be deposited in the state treasury and credited to the reappraisal reimbursement fund: *Provided further*, That expenditures may be made from this fund for the purpose of conducting appraisals pursuant to orders of the state court of tax appeals under K.S.A. 79-1479, and amendments thereto.

Special training fund.....	No limit
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*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
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*Provided*, That, notwithstanding the provisions of K.S.A. 2014 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
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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, 2015, October 1, 2015, January 1, 2016, and April 1, 2016, the director of accounts and reports shall transfer \$11,481,784 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, 2015, 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, 2015, 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, 2015, the director of accounts and reports shall transfer \$1,341,280 from the division of vehicles operating fund of the department of revenue to the state general fund.

(g) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or of any other statute, for the fiscal year ending June 30, 2016, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$1,000,000 to the digital imaging program fund of the department of administration.

(h) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or of any other statute, for the fiscal year ending June 30, 2016, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$1,000,000 to the criminal justice information system line fund of the attorney general – Kansas bureau of investigation.

(i) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or of any other statute, for the fiscal year ending June 30, 2016, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$1,000,000 to the division of vehicles modernization fund of the department of revenue.

Sec. 89.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures.....\$15,137,182

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand royalty fund.....No limit

Division of vehicles operating fund.....\$45,439,242

*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, 2017: *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

Setoff services revenue fund.....No limit

Publications fee fund.....No limit

State bingo regulation fund.....No limit

Child support enforcement contractual agreement fund.....No limit

County treasurers' vehicle licensing fee fund.....No limit

Tax amnesty recovery fund.....No limit

Reappraisal reimbursement fund.....No limit

*Provided*, That all moneys received for the costs incurred for conducting appraisals for any county shall be deposited in the state treasury and credited to the reappraisal reimbursement fund: *Provided further*, That expenditures may be made from this fund for the purpose of conducting appraisals pursuant to orders of the 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
<i>Provided, That, notwithstanding the provisions of K.S.A. 74-2021, and amendments thereto, or of any other statute, expenditures may be made from the VIPS/CAMA technology hardware fund for the purposes of upgrading the VIPS/CAMA computer hardware and software for the state or for the counties and for administration and operation of the department of revenue.</i>	
County and city retailers sales tax clearing fund – county and city sales tax.....	No limit
City and county compensating use tax clearing fund.....	No limit
County and city transient guest tax clearing fund.....	No limit
Automated tax systems fund.....	No limit
Dyed diesel fuel fee fund.....	No limit
Electronic databases fee fund.....	No limit

*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. 2014 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, 2016, October 1, 2016, January 1, 2017, and April 1, 2017, the director of accounts and reports shall transfer \$11,481,784 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, 2016, 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, 2016, 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, 2016, the director of accounts and reports shall transfer \$2,172,408

from the division of vehicles operating fund of the department of revenue to the state general fund.

(g) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or of any other statute, for the fiscal year ending June 30, 2017, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$1,000,000 to the digital imaging program fund of the department of administration.

(h) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or of any other statute, for the fiscal year ending June 30, 2017, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$1,000,000 to the criminal justice information system line fund of the attorney general – Kansas bureau of investigation.

(i) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or of any other statute, for the fiscal year ending June 30, 2017, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$1,000,000 to the division of vehicles modernization fund of the department of revenue.

Sec. 90.

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, 2016, all moneys now or hereafter 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
- Provided*, 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, 2015, 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, 2015, and on or before the 15<sup>th</sup> of each month thereafter through June 15, 2016: *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, 2016: *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 2016 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 15<sup>th</sup> of each month through June 15, 2016, 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 2016 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 2016 is equal to or more than \$74,700,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2016 pursuant to this subsection shall be equal to or more than \$74,700,000: *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 2016.

(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, 2016, 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. 2014 Supp. 74-8724, and amendments thereto, during fiscal year 2016: *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, 2016, 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. 2014 Supp. 74-8724, and amendments thereto, during fiscal year 2016: *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. 91.

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Lottery prize payment fund.....No limit
- Lottery operating fund.....No limit
- Provided*, 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, 2016, 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, 2016, and on or before the 15<sup>th</sup> of each month thereafter through June 15, 2017: *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, 2017: *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 2017 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 15<sup>th</sup> of each month through June 15, 2017, 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 2017 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 2017 is equal to or more than \$75,500,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2017 pursuant to this subsection shall be equal to or more than \$75,500,000: *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 2017.

(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, 2017, 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. 2014 Supp. 74-8724, and amendments thereto, during fiscal year 2017: *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, 2017, 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. 2014 Supp. 74-8724, and amendments thereto, during fiscal year 2017: *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. 92.

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, 2016, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund.....No limit  
*Provided*, That expenditures from the state racing fund for official hospitality shall not exceed \$2,500.

Racing reimbursable expense fund.....No limit  
Racing applicant deposit fund.....No limit  
Kansas horse breeding development fund.....No limit  
Kansas greyhound breeding development fund.....No limit

*Provided*, That notwithstanding K.S.A. 74-8831, and amendments thereto, all moneys transferred into this fund pursuant to subsection (b) of K.S.A. 2014 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. 2014 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  
*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  
Gaming machine examination 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 seizure and forfeiture 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, 2015, 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, 2016, 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 2016 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 2016 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, 2016, 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 2016 for the Kansas racing and gaming commission by this or other appropriation act of the 2015 regular

session of the legislature, expenditures may be made from the tribal gaming fund for fiscal year 2016 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, 2016, by subsection (b)(1) of K.S.A. 74-8831, and amendments thereto, and shall transfer on or before June 30, 2016, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2016, 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, 2016, 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 July 1, 2015, during the fiscal year ending June 30, 2016, notwithstanding the provisions of K.S.A. 74-8803, and amendments thereto, or any other statute, expenditures shall be made by the above agency from any special revenue fund or funds for the purposes of compensation of members of the Kansas racing and gaming commission for performing the duties and functions of the commission, based on the daily rate of \$88.66 as provided in K.S.A. 46-137a, and amendments thereto. The members of the commission shall continue to be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

Sec. 93.

#### 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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund.....No limit  
*Provided*, That expenditures from the state racing fund for official hospitality shall not exceed \$2,500.

Racing reimbursable expense fund.....No limit  
Racing applicant deposit fund.....No limit  
Kansas horse breeding development fund.....No limit  
Kansas greyhound breeding development fund.....No limit

*Provided*, That notwithstanding K.S.A. 74-8831, and amendments thereto, all moneys transferred into this fund pursuant to subsection (b) of K.S.A. 2014 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. 2014 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  
*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  
Gaming machine examination 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 seizure and forfeiture 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, 2016, 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, 2017, 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 2017 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 2017 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, 2017, 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 2017 for the Kansas racing and gaming commission by this or other appropriation act of the 2015 or 2016 regular session of the legislature, expenditures may be made from the tribal gaming fund for fiscal year 2017 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, 2017, by subsection (b)(1) of K.S.A. 74-8831, and amendments thereto, and shall transfer on or before June 30, 2017, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2017, 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, 2017, 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 July 1, 2016, during the fiscal year ending June 30, 2017, notwithstanding the provisions of K.S.A. 74-8803, and amendments thereto, or any other statute, expenditures shall be made by the above agency from any special revenue fund or funds for the purposes of compensation of members of the Kansas racing and gaming commission for performing the duties and functions of the commission, based on the daily rate of \$88.66 as provided in K.S.A. 46-137a, and amendments thereto. The members of the commission shall continue to be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

Sec. 94.

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, 2016, the following:

- Older Kansans employment program.....\$242,700  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2015, in the older Kansans employment program account is hereby reappropriated for fiscal year 2016.
- Rural opportunity zones program.....\$1,752,475  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2015, in the rural opportunity zones program account is hereby reappropriated for fiscal year

2016.

Senior community service employment program.....\$7,645  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2015, in the senior community service employment program account is hereby reappropriated for fiscal year 2016.

Strong military bases program.....\$195,461  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2015, in the strong military bases program account is hereby reappropriated for fiscal year 2016.

Governor's council of economic advisors.....\$178,070  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2015, in the governor's council of economic advisors account is hereby reappropriated for fiscal year 2016.

Innovation growth program.....\$1,354,061  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2015, in the innovation growth program account is hereby reappropriated for fiscal year 2016.

Creative arts industries commission.....\$190,046  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2015, in the creative arts industries commission account is hereby reappropriated for fiscal year 2016.

Employment incentive for persons with a disability.....\$431,712  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2015, in the employment incentive for persons with a disability account is hereby reappropriated for fiscal year 2016.

Operating grant (including official hospitality).....\$8,880,913  
*Provided*, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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.

Public broadcasting grants.....\$500,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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  
*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  
*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, 2016, notwithstanding the provisions of K.S.A. 2014 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 any city or county which received moneys from the state affordable airfare fund during fiscal year 2015: *Provided further*, That such grants from such fund shall be in the same amount as was received in fiscal year 2015: *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, 2016: *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, labor 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, labor 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
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
Health profession opportunity – federal fund.....	No limit
Kansas creative arts industries commission checkoff fund.....	No limit
Workforce data quality initiative – federal fund.....	No limit
Dislocated worker training national emergency grant – federal fund.....	No limit
Second chance grant – federal fund.....	No limit

(c) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2016, 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 fund or 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 fund or funds of the department of commerce for fiscal year 2016, in accordance with the provisions of this or other appropriation act of the 2015 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 or funds for fiscal year 2016 for the department of commerce as authorized by this or other appropriation act of the 2015 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 or funds for fiscal year 2016 for official hospitality.

(e) On or after July 1, 2015, notwithstanding the provisions of K.S.A. 2014 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 2015 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 of the air service incentive fund account of the state economic development initiatives fund in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(g) During the fiscal year ending June 30, 2016, 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, 2016, from the state economic development initiatives fund for the department of commerce to another item of appropriation for fiscal year 2016 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.

(h) On July 1, 2015, the director of accounts and reports shall transfer \$17,000,000 from the economic development initiatives fund to the state general fund.

Sec. 95.

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, 2017, the following:

Older Kansans employment program.....\$242,563

*Provided,* That any unencumbered balance in excess of \$100 as of June 30, 2016, in the older Kansans employment program account is hereby reappropriated for fiscal year 2017.

Rural opportunity zones program.....\$1,749,879

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2016, in the rural opportunity zones program account is hereby reappropriated for fiscal year 2017.

Senior community service employment program.....\$7,589

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2016, in the senior community service employment program account is hereby reappropriated for fiscal year 2017.

Strong military bases program.....\$195,222

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2016, in the strong military bases program account is hereby reappropriated for fiscal year 2017.

Governor's council of economic advisors.....\$177,746

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2016, in the governor's council of economic advisors account is hereby reappropriated for fiscal year 2017.

Innovation growth program.....\$1,353,181

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2016, in the innovation growth program account is hereby reappropriated for fiscal year 2017.

Creative arts industries commission.....\$189,089

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2016, in the creative arts industries commission account is hereby reappropriated for fiscal year 2017.

Employment incentive for persons with a disability.....\$431,587

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2016, in the employment incentive for persons with a disability account is hereby reappropriated for fiscal year 2017.

Operating grant (including official hospitality).....\$8,848,267

*Provided*, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.

Public broadcasting grants.....\$500,000

*Provided*, That any unencumbered balance in the public broadcasting grants account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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
<i>Provided</i> , That the interest rate on any loan made from the Kansas partnership fund shall be annually indexed to the federal discount rate.	
General fees fund.....	No limit
<i>Provided</i> , That expenditures may be made from the general fees fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under programs of the department.	
Kansas existing industry expansion fund.....	No limit
<i>Provided</i> , That expenditures may be made from the Kansas existing industry expansion fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the Kansas existing industry expansion program: <i>Provided further</i> , That all moneys received by the department of commerce for repayment of loans made under the Kansas existing industry expansion program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas existing industry expansion fund.	
Athletic fee fund.....	No limit
WIA adult – federal fund.....	No limit
WIA youth activities – federal fund.....	No limit
WIA dislocated workers – federal fund.....	No limit
Trade adjustment assistance – federal fund.....	No limit
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
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
Enterprise facilitation fund.....	No limit
Unemployment insurance – federal fund.....	No limit
State small business credit initiative – federal fund.....	No limit

Creative arts industries commission gifts, grants and bequests – federal fund.....	No limit
Kansas creative arts industries commission checkoff fund.....	No limit
Workforce data quality initiative – federal fund.....	No limit

(c) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2017, 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 fund or 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 fund or funds of the department of commerce for fiscal year 2017, in accordance with the provisions of this or other appropriation act of the 2015 or 2016 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 or funds for fiscal year 2017 for the department of commerce as authorized by this or other appropriation act of the 2015 or 2016 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 or funds for fiscal year 2017 for official hospitality.

(e) On or after July 1, 2016, notwithstanding the provisions of K.S.A. 2014 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 2016 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.

(f) 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, 2016, is hereby

reappropriated for fiscal year 2017.

(g) During the fiscal year ending June 30, 2017, 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, 2017, from the state economic development initiatives fund for the department of commerce to another item of appropriation for fiscal year 2017 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.

(h) On July 1, 2016, the director of accounts and reports shall transfer \$17,000,000 from the economic development initiatives fund to the state general fund.

Sec. 96.

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, 2016, all moneys now or hereafter 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. 97.

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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. 98.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures.....\$314,903

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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, 2016, 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, 2016, all moneys now or hereafter 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.....	\$13,283,591
Occupational health and safety – federal 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.....	\$107,116
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.

Indirect cost fund.....	No limit
Workforce data quality initiative – federal fund.....	No limit

(c) In addition to the other purposes for which expenditures may be made by the department of labor from the employment security fund for fiscal year 2016 as authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2016 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 2016 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 \$2,640,750.

Sec. 99.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures.....	\$313,065
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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, 2017, 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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen's compensation fee fund.....	\$14,648,647
Occupational health and safety – federal 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.....	\$110,730
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.

Indirect cost fund.....	No limit
Workforce data quality initiative – federal fund.....	No limit

Sec. 100.

KANSAS COMMISSION ON  
VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures – administration.....	\$563,215
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*Provided*, That any unencumbered balance in the operating expenditures – administration account in excess of \$100 as of June 30, 2015, is hereby reappropriated

for fiscal year 2016.

Operating expenditures – veteran services.....\$1,396,948  
*Provided*, That any unencumbered balance in the operating expenditures – veteran services account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*; That expenditures from this account for official hospitality shall not exceed \$1,500.

Operations – state veterans cemeteries .....\$550,338  
*Provided*, That any unencumbered balance in the operations – state veterans cemeteries account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided further*; That expenditures from this account for official hospitality shall not exceed \$1,200.

Operating expenditures – Kansas soldiers' home.....\$1,724,395  
*Provided*, That any unencumbered balance in the operating expenditures – Kansas soldiers' home account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Operating expenditures – Kansas veterans' home.....\$1,690,788  
*Provided*, That any unencumbered balance in the operating expenditures – Kansas veterans' home account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Scratch lotto – Kansas veterans' home.....\$100,060  
 Scratch lotto – veterans services.....\$538,516  
 Scratch lotto – Kansas soldiers' home.....\$177,716  
 Scratch lotto – veterans cemeteries.....\$225,840  
 Veterans claim assistance program – service grants.....\$600,000

*Provided*, That any unencumbered balance in the veterans claim assistance program – service grants account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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 office 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, 2016, all moneys now or hereafter 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.....\$1,876,107  
 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.....\$2,424,485

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.....	\$1,493,981
Federal long term care per diem fund.....	\$6,840,838
Commission on veterans affairs federal fund.....	\$183,498
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, 2016, notwithstanding the provisions of K.S.A. 73-1231, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or K.S.A. 2014 Supp. 73-1233, and amendments thereto, or any other statute, the director of the Kansas commission on veterans affairs office, 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 office to another special revenue fund of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office 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, 2016, the director of the Kansas commission on veterans affairs office, 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, 2016, from the state general fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office to another item of appropriation for fiscal year 2016 from the state general fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office 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, 2016, the director of the Kansas commission on veterans affairs office, 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, 2016, from the state general fund for the Kansas commission on veterans affairs office to the Vietnam war era veterans' recognition award fund. The director of the Kansas commission on veterans affairs office 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, 2016, expenditures from the soldiers' home fee fund, veterans' home fee fund, federal domiciliary per diem fund, and federal long term care per diem fund shall not exceed the limitation established for fiscal year 2016 by this or other appropriation act of the 2015 or 2016 session of the legislature except 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 K.S.A. 75-3711c(c), and amendments thereto.

Sec. 101.

KANSAS COMMISSION ON  
VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

- Operating expenditures – administration.....\$556,942  
*Provided*, That any unencumbered balance in the operating expenditures – administration account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.
- Operating expenditures – veteran services.....\$1,381,012  
*Provided*, That any unencumbered balance in the operating expenditures – veteran services account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*; That expenditures from this account for official hospitality shall not exceed \$1,500.
- Operations – state veterans cemeteries .....\$578,069  
*Provided*, That any unencumbered balance in the operations – state veterans cemeteries account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided further*; That expenditures from this account for official hospitality shall not exceed \$1,200.
- Operating expenditures – Kansas soldiers' home.....\$1,709,549  
*Provided*, That any unencumbered balance in the operating expenditures – Kansas soldiers' home account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.
- Operating expenditures – Kansas veterans' home.....\$1,647,952  
*Provided*, That any unencumbered balance in the operating expenditures – Kansas veterans' home account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.
- Scratch lotto – Kansas veterans' home.....\$100,060
- Scratch lotto – veterans services.....\$478,238
- Scratch lotto – Kansas soldiers' home.....\$131,645
- Scratch lotto – veterans cemeteries.....\$250,840
- Veterans claim assistance program – service grants.....\$600,000  
*Provided*, That any unencumbered balance in the veterans claim assistance program – service grants account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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 office 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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Soldiers' home fee fund.....	\$1,816,726
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.....	\$2,581,461
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.....	\$1,459,145
Federal long term care per diem fund.....	\$6,121,833
Commission on veterans affairs federal fund.....	\$194,846
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, 2017, notwithstanding the provisions of K.S.A. 73-1231, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or K.S.A. 2014 Supp. 73-1233, and amendments thereto, or any other statute, the director of the Kansas commission on veterans affairs office, 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 office to another special revenue fund of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office 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, 2017, the director of the Kansas commission on veterans affairs office, 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, 2017, from the state general fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office to another item of appropriation for fiscal year 2017 from the state general fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office 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, 2017, the director of the Kansas commission on veterans affairs office, 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, 2017, from the state general fund for the Kansas commission on veterans affairs office to the Vietnam war era veterans' recognition award fund. The executive director of the Kansas commission on veterans affairs office 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, 2017, expenditures from the soldiers' home fee fund, veterans' home fee fund, federal domiciliary per diem fund, and federal long term care per diem fund shall not exceed the limitation established for fiscal year 2017 by this or other appropriation act of the 2015 or 2016 session of the legislature except 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 K.S.A. 75-3711c(c), and amendments thereto.

Sec. 102.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures (including official hospitality).....	\$3,718,551
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.	
Operating expenditures (including official hospitality) – health.....	\$1,909,890
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) – health account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.	
Vaccine purchases.....	\$659,607
<i>Provided</i> , That any unencumbered balance in the vaccine purchases account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.	
Aid to local units.....	\$4,805,709
<i>Provided</i> , That any unencumbered balance in the aid to local units account in excess	

of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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.....\$7,948,690

*Provided*, That any unencumbered balance in the aid to local units – primary health projects account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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 – women's wellness account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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, 2015, is hereby reappropriated for fiscal year 2016.

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, 2015, is hereby reappropriated for fiscal year 2016.

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, 2015, is hereby reappropriated for fiscal year 2016.

Pregnancy maintenance initiative.....\$338,846

*Provided*, That any unencumbered balance in the pregnancy maintenance initiative account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

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, 2015, is hereby reappropriated for fiscal year 2016.

PKU treatment.....\$199,274  
*Provided*, That any unencumbered balance in the PKU treatment account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

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, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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 public health program literature and films and for participation in or conducting training seminars for training employees of the division of public health of the department of health and environment, for training recipients of state aid from the division of public 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 public 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 public health from moneys appropriated from the health and environment training fee fund – health for fiscal year 2016, expenditures may be made by the department of health and environment from the health and environment training fee fund – health for fiscal year 2016 for agency operations for the division of public 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 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.</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 2016 from the trauma fund of the department of health and environment – division of public health for the stroke prevention project: <i>Provided</i> <i>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 public health 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 public 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  
*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  
Actions to prevent and control diabetes,

heart disease, and obesity – federal fund.....No limit  
Healthy start initiative – federal fund.....No limit  
Immunization capacity building assistance – 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, 2016, the following:

Healthy start.....\$237,914

*Provided*, That any unencumbered balance in the healthy start account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*, That during the fiscal year ending June 30, 2016, the director of accounts and reports shall withhold 10% of the moneys in the healthy start account of the children's initiatives fund for fiscal year 2016 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the healthy start programs or grant recipients has been received by the children's cabinet: *Provided further*, That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*, That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

Infants and toddlers program.....\$5,800,000

*Provided*, That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*, That during the fiscal year ending June 30, 2016, the director of accounts and reports shall withhold 10% of the moneys in the infants and toddlers program account of the children's initiatives fund for fiscal year 2016 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the infants and toddlers programs or grant recipients has been received by the children's cabinet: *Provided further*, That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*, That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

Smoking prevention.....\$946,671  
*Provided*, That any unencumbered balance in the smoking prevention account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*; That during the fiscal year ending June 30, 2016, the director of accounts and reports shall withhold 10% of the moneys in the smoking prevention account of the children's initiatives fund for fiscal year 2016 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the smoking prevention programs or grant recipients has been received by the children's cabinet: *Provided further*; That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*; That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

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, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*; That during the fiscal year ending June 30, 2016, the director of accounts and reports shall withhold 10% of the moneys in the newborn hearing aid loaner program account of the children's initiatives fund for fiscal year 2016 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the newborn hearing aid loaner programs or grant recipients has been received by the children's cabinet: *Provided further*; That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*; That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

SIDS network grant.....\$96,374  
*Provided*, That any unencumbered balance in the SIDS network grant account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*; That during the fiscal year ending June 30, 2016, the director of accounts and reports shall withhold 10% of the moneys in the SIDS network grant account of the children's initiatives fund for fiscal year 2016 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the SIDS network programs or grant recipients has been received by the children's cabinet: *Provided further*; That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*; That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

(d) On July 1, 2015, and on other occasions during fiscal year 2016 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 public 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 public health.

(e) During the fiscal year ending June 30, 2016, 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 public health, which have available moneys, to the sponsored project overhead fund – health of the department of health and environment – division of public health for expenditures, as the case may be, for administrative expenses.

(f) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2016 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures may be made by the department of health and environment – division of public health from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2016 for up to four full-time equivalent positions in the unclassified service under the Kansas civil service act in the division of public 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 2016 made by this or other appropriation act of the 2015 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.

(g) During the fiscal year ending June 30, 2016, 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 public health to the sponsored project overhead fund – health of the department of health and environment – division of public health pursuant to this section may include amounts not to exceed 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(h) During the fiscal year ending June 30, 2016, 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 2016 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment to another item of appropriation for fiscal year 2016 from the state general fund for the department of health and environment – division of public 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) In addition to the other purposes for which expenditures may be made by the

department of health and environment – division of public health from moneys appropriated from the district coroners fund for fiscal year 2016, as authorized by this or other appropriation act of the 2015 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 public health from such moneys appropriated from the district coroners fund for fiscal year 2016 pursuant to K.S.A. 22a-242, and amendments thereto.

(j) During the fiscal year ending June 30, 2016, 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 public 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.

(k) On July 1, 2015, the director of accounts and reports shall transfer \$200,000 from the health care stabilization fund of the health care stabilization fund board of governors to the health facilities review fund of the department of health and environment for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 et seq., and amendments thereto.

(l) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the sponsored project overhead fund – health of the department of health and environment – division of public health to the state general fund.

Sec. 103.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures (including official hospitality).....	\$4,001,547
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.	
Operating expenditures (including official hospitality) – health.....	\$1,888,138
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) – health account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.	
Vaccine purchases.....	\$659,607
<i>Provided</i> , That any unencumbered balance in the vaccine purchases account in excess	

of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

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, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$7,570,690

*Provided*, That any unencumbered balance in the aid to local units – primary health projects account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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 – women's wellness account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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, 2016, is hereby reappropriated for fiscal year 2017.

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, 2016, is hereby reappropriated for fiscal year 2017.

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, 2016, is hereby reappropriated for fiscal year 2017.

Pregnancy maintenance initiative.....\$338,846

*Provided*, That any unencumbered balance in the pregnancy maintenance initiative account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

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, 2016, is hereby reappropriated for fiscal year 2017.

PKU treatment.....\$199,274

*Provided*, That any unencumbered balance in the PKU treatment account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

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, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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 public health program literature and films and for participation in or conducting training seminars for training employees of the division of public health of the department of health and environment, for training recipients of state aid from the division of public 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 public 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 public health from moneys appropriated from the health and environment training fee fund – health for fiscal year 2017, expenditures may be made by the department of health and environment from the health and environment training fee fund – health for fiscal year 2017 for agency operations for the division of public 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</i> , That transfers of moneys from the medicare – federal fund to the state fire marshal may be made during fiscal year 2017 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 2017 from the trauma fund of the department of health and environment – division of public 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 public health 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 public 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  
*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  
 Actions to prevent and control diabetes, heart disease, and obesity – federal fund.....No limit  
 Healthy start initiative – federal fund.....No limit  
 Immunization capacity building assistance – 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, 2017, the following:

Healthy start.....\$237,914

*Provided*, That any unencumbered balance in the healthy start account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*, That during the fiscal year ending June 30, 2017, the director of accounts and reports shall withhold 10% of the moneys in the healthy start account of the children's initiatives fund for fiscal year 2017 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the healthy start programs or grant recipients has been received by the children's cabinet: *Provided further*, That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*, That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

Infants and toddlers program.....\$5,800,000

*Provided*, That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*, That during the fiscal year ending June 30, 2017, the director of accounts and reports shall withhold 10% of the moneys in the infants and toddlers program account of the children's initiatives fund for fiscal year 2017 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the infants and toddlers programs or grant recipients has been received by the children's cabinet: *Provided further*, That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*, That upon

receipt of such certification, the director of accounts and reports shall release the withheld funds.

Smoking prevention.....\$946,671

*Provided*, That any unencumbered balance in the smoking prevention account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*, That during the fiscal year ending June 30, 2017, the director of accounts and reports shall withhold 10% of the moneys in the smoking prevention account of the children's initiatives fund for fiscal year 2017 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the smoking prevention programs or grant recipients has been received by the children's cabinet: *Provided further*, That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*, That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

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, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*, That during the fiscal year ending June 30, 2017, the director of accounts and reports shall withhold 10% of the moneys in the newborn hearing aid loaner program account of the children's initiatives fund for fiscal year 2017 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the newborn hearing aid loaner programs or grant recipients has been received by the children's cabinet: *Provided further*, That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*, That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

SIDS network grant.....\$96,374

*Provided*, That any unencumbered balance in the SIDS network grant account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*, That during the fiscal year ending June 30, 2017, the director of accounts and reports shall withhold 10% of the moneys in the SIDS network grant account of the children's initiatives fund for fiscal year 2017 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the SIDS network programs or grant recipients has been received by the children's cabinet: *Provided further*, That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*, That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

(d) On July 1, 2016, and on other occasions during fiscal year 2017 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 public 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 public health.

(e) During the fiscal year ending June 30, 2016, 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 public health, which have available moneys, to the sponsored project overhead fund – health of the department of health and environment – division of public health for expenditures, as the case may be, for administrative expenses.

(f) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2017 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2015 or 2016 regular session of the legislature, expenditures may be made by the department of health and environment – division of public health from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2017 for up to four full-time equivalent positions in the unclassified service under the Kansas civil service act in the division of public 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 2017 made by this or other appropriation act of the 2015 or 2016 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.

(g) During the fiscal year ending June 30, 2017, 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 public health to the sponsored project overhead fund – health of the department of health and environment – division of public health pursuant to this section may include amounts not to exceed 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(h) During the fiscal year ending June 30, 2017, 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 2017 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment to another item of appropriation for fiscal year 2017 from the state general fund for the department of health and environment – division of public 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) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the district coroners fund for fiscal year 2017, as authorized by this or other appropriation act of the 2015 or 2016 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 public health from such moneys appropriated from the district coroners fund for fiscal year 2017 pursuant to K.S.A. 22a-242, and amendments thereto.

(j) During the fiscal year ending June 30, 2017, 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 public 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.

(k) On July 1, 2016, the director of accounts and reports shall transfer \$200,000 from the health care stabilization fund of the health care stabilization fund board of governors to the health facilities review fund of the department of health and environment for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 et seq., and amendments thereto.

Sec. 104.

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, 2016, the following:

Health policy operating expenditures .....\$10,051,271

*Provided*, That any unencumbered balance in the health policy operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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.....\$661,573,849

*Provided*, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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 Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight prior to the start of the regular session of the legislature in 2016.

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, 2015, is hereby reappropriated for fiscal year 2016.

Office of the inspector general.....\$79,635  
*Provided*, That any unencumbered balance in the office of the inspector general account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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 .....\$1,505,983  
Cafeteria benefits fund .....No limit  
*Provided*, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2016, for salaries and wages and other operating expenditures shall not exceed \$4,375,362.

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, 2016, for salaries and wages and other operating expenditures shall not exceed \$4,090,512.

Dependent care assistance program fund .....No limit  
*Provided*, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2016, for salaries and wages and other operating expenditures shall not exceed \$3,026,787.

Non-state employer group benefit fund .....\$144,346  
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, 2016, 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 .....\$87,782,913  
Medical assistance fee fund.....No limit  
Health benefits administration clearing fund – remit admin service org .....No limit

*Provided*, That expenditures from the health benefits administration clearing fund – remit admin service org for the fiscal year ending June 30, 2016, for salaries and wages and other operating expenditures shall not exceed \$7,880,402.

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
KEES interagency transfer fund.....	No limit
Energy assistance block grant.....	No limit
Supplemental nutrition assistance program – admin.....	No limit
Temporary assistance for needy families.....	No limit
Title IV-E – adoption assistance.....	No limit

(c) During the fiscal year ending June 30, 2016, 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, 2016, 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, 2016, no expenditures shall be made by the secretary of health and environment from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 for the purpose of implementing a program under KanCare health homes for persons with chronic conditions, unless the legislature expressly consents to implementation of such program and expenditures therefor.

(e) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 to submit a report regarding the implementation of the executive reorganization order No. 43 to the legislature: *Provided*, That such report shall be submitted on or before January 1, 2017: *Provided further*, That such report shall include an evaluation of whether the transfer of the eligibility for medicaid services determination is effective in administering the program, utilizing the personnel and whether the payment error rate measurement (PERM) is decreased after the transfer.

(f) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 as authorized by this act or other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 to conduct an audit of revenues and disbursements of the health care access improvement fund for the fiscal year ending June 30, 2015: *Provided*, That the health care access improvement panel shall provide a report in accordance with the provisions of K.S.A. 2014 Supp. 65-6218, and amendments thereto, to the 2016 legislature no later than February 15, 2016, with a plan to address the long-term sustainability of the health care access improvement program with funding only from the assessment revenues defined in K.S.A. 2014 Supp. 65-6207(g), and amendments thereto, other than for working capital needs.

Sec. 105.

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, 2017, the following:

Health policy operating expenditures .....\$10,874,322

*Provided*, That any unencumbered balance in the health policy operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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 .....\$676,570,074

*Provided*, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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 Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight prior to the start of the regular session of the legislature in 2017.

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, 2016, is hereby reappropriated for fiscal year 2017.

Office of the inspector general.....\$78,945

*Provided*, That any unencumbered balance in the office of the inspector general account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue

fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Preventive health care program fund .....\$1,517,593
- Cafeteria benefits fund .....No limit
- Provided*, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2017, for salaries and wages and other operating expenditures shall not exceed \$3,855,310.
- 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, 2017, for salaries and wages and other operating expenditures shall not exceed \$3,932,063.
- Dependent care assistance program fund .....No limit
- Provided*, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2017, for salaries and wages and other operating expenditures shall not exceed \$2,246,059.
- Non-state employer group benefit fund .....\$143,190
- 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, 2017, 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 ..... \$79,354,660
- Medical assistance fee fund.....No limit
- Health benefits administration clearing fund – remit admin service org .....No limit
- Provided*, That expenditures from the health benefits administration clearing fund – remit admin service org for the fiscal year ending June 30, 2017, for salaries and wages and other operating expenditures shall not exceed \$7,890,000.
- 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
- KEES interagency transfer fund.....No limit
- Energy assistance block grant.....No limit
- Supplemental nutrition assistance program – admin.....No limit
- Temporary assistance for needy families.....No limit

Title IV-E – adoption assistance.....No limit

(c) During the fiscal year ending June 30, 2017, 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, 2017, 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, 2017, no expenditures shall be made by the secretary of health and environment from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 for the purpose of implementing a program under KanCare health homes for persons with chronic conditions, unless the legislature expressly consents to implementation of such program and expenditures therefor.

(e) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 authorized by this or other appropriation act of the 2015 or 2016 regular session of the legislature, expenditures shall be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 to submit a report regarding the implementation of the executive reorganization order No. 43 to the legislature: *Provided*, That such report shall be submitted on or before January 1, 2017: *Provided further*, That such report shall include an evaluation of whether the transfer of the eligibility for medicaid services determination is effective in administering the program, utilizing the personnel and whether the payment error rate measurement (PERM) is decreased after the transfer.

Sec. 106.

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, 2016, the following:

Operating expenditures (including official hospitality).....\$4,293,457  
*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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, 2016, 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 2016, expenditures may be made by the department of health and environment from the health and environment training fee fund – environment for fiscal year 2016 for agency operations for the division of environment.

Driving under the influence fund.....No limit  
 Waste tire management fund.....No limit  
 Health and environment publication fee fund – environment.....No limit  
*Provided*, 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
Risk management fund.....	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2016, for the state water plan project or projects specified as follows:

Contamination remediation.....\$687,217  
*Provided*, That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

TMDL initiatives and use attainability analysis.....\$275,053  
*Provided*, That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

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, 2015, is hereby reappropriated for fiscal year 2016.

Nonpoint source program.....\$295,406  
*Provided*, That any unencumbered balance in the nonpoint source program account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016:

*Provided, however*; That during the fiscal year ending June 30, 2016, the director of accounts and reports shall withhold 10% of the moneys in the children's mental health waiver account of the children's initiatives fund for fiscal year 2016 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the children's mental health waiver programs or grant recipients has been received by the children's cabinet: *Provided further*; That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*; That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

(d) During the fiscal year ending June 30, 2016, 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 2016 from the state water plan fund for the department of health and environment – division of environment to another item of appropriation for fiscal year 2016 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, 2016, 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 10<sup>th</sup> day of each month by K.S.A. 65-3024, and amendments thereto.

(f) On July 1, 2015, and on other occasions during fiscal year 2016 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 fund or funds of the department of health and environment – division of public 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, 2016, 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 fund or 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 public health, as the case may be, for expenditures for administrative expenses.

(h) During the fiscal year ending June 30, 2016, 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 2016 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment to another item of appropriation for fiscal year 2016 from the state general fund for the department of health and environment – division of public 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, 2016, 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.

(j) On July 1, 2015, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 65-3454a, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$50,000 from the environmental response fund of the department of health and environment – division of environment to the state general fund.

Sec. 107.

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, 2017, the following:

Operating expenditures (including official hospitality).....\$4,375,233

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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, 2017, 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 2017, expenditures may be made by the department of health and environment from the health and environment training fee fund – environment for fiscal year 2017 for agency operations for the division of environment.

Driving under the influence 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
Risk management fund.....	No limit
(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2017, for the state water plan project or projects specified as follows:	
Contamination remediation.....	\$689,931
<i>Provided</i> , That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.	
TMDL initiatives and use attainability analysis.....	\$276,904

*Provided*, That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

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, 2016, is hereby reappropriated for fiscal year 2017.

Nonpoint source program.....\$300,373

*Provided*, That any unencumbered balance in the nonpoint source program account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(d) During the fiscal year ending June 30, 2017, 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 2017 from the state water plan fund for the department of health and environment – division of environment to another item of appropriation for fiscal year 2017 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, 2017, 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 10<sup>th</sup> day of each month by K.S.A. 65-3024, and amendments thereto.

(f) On July 1, 2016, and on other occasions during fiscal year 2017 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 public 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, 2017, 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 fund or 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 public health, as the case may be, for expenditures for administrative expenses.

(h) During the fiscal year ending June 30, 2017, 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 2017 from the state general fund for the department of health and environment – division of public health or the department of health and

environment – division of environment to another item of appropriation for fiscal year 2017 from the state general fund for the department of health and environment – division of public 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, 2017, 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. 108.

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, 2016, the following:

- Administration.....\$6,047,961  
*Provided*, That any unencumbered balance in the administration account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*; That expenditures from this account for official hospitality shall not exceed \$1,748.
- Administration – assessments.....\$475,480  
*Provided*, That any unencumbered balance in the administration – assessments account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.
- Administration – medicaid.....\$1,087,824  
*Provided*, That any unencumbered balance in the administration – medicaid account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.
- Administration – older Americans act match.....\$100,417  
*Provided*, That any unencumbered balance in the administration – older Americans act match account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.
- Senior care act.....\$2,547,848  
*Provided*, That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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 2015 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 2015: *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 2016 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 2015: *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, 2015, is hereby reappropriated for fiscal year 2016: *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 2015 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 2015: *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 2016 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 2015: *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 – NF.....\$305,621,502

*Provided*, That any unencumbered balance in the LTC – medicaid assistance – NF account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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. 2014 Supp. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary for aging and disability services may provide rate increases for nursing facilities for fiscal year 2016.

LTC – medicaid assistance – PACE.....\$5,480,489

*Provided*, That any unencumbered balance in the LTC – medicaid assistance – PACE account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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.....\$526,907

*Provided*, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Nursing facilities regulation – title XIX.....\$1,440,865

*Provided*, That any unencumbered balance in the nursing facilities regulation – title XIX account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Health occupational credentialing.....	\$596,464
State operations.....	\$10,581,719
<i>Provided</i> , That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated to the state operations account for fiscal year 2016: <i>Provided further</i> , 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.....	\$2,313,903
<i>Provided</i> , That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.	
Mental health and retardation services aid and assistance.....	\$44,975,785
<i>Provided</i> , That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.	
Kansas neurological institute – operating expenditures.....	\$9,406,046
<i>Provided</i> , That any unencumbered balance in the Kansas neurological institute – operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: <i>Provided, however</i> , That expenditures from the Kansas neurological institute – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: <i>Provided further</i> , 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.....	\$26,088,932
<i>Provided</i> , That any unencumbered balance in the Larned state hospital – operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: <i>Provided, however</i> , That expenditures from the Larned state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: <i>Provided further</i> , 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: <i>And provided further</i> , 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.....	\$17,511,551
<i>Provided</i> , That any unencumbered balance in the Larned state hospital – sexual predator treatment program account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.	
Osawatomie state hospital – operating expenditures .....	\$12,748,821
<i>Provided</i> , That any unencumbered balance in the Osawatomie state hospital – operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: <i>Provided, however</i> , 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.....\$9,826,042

Provided, That any unencumbered balance in the Parsons state hospital and training center – operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: 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.....\$936,147

Community based services.....\$268,455,355

Provided, That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Community mental health centers supplemental funding.....\$12,250,000

Provided, That any unencumbered balance in the community mental health centers supplemental funding account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Larned state hospital – SPTP new crimes reimbursement..... \$250,000

Provided, That any unencumbered balance in the Larned state hospital – SPTP new crimes reimbursement account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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.....\$46,014,124

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.....\$1,317,402

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.....	\$4,445,594
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.....	\$8,576,414
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*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.....\$1,372,386

*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.

- 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 2016 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

*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 2015 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 2015:

*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 2016 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 2015: *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. 2014 Supp. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 2014 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. 2014 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.....No limit
- 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
- 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, 2015, October 1, 2015, January 1, 2016, and April 1, 2016, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$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.

Safe and supportive schools.....No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2016, 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, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*, That during the fiscal year ending June 30, 2016, the director of accounts and reports shall withhold 10% of the moneys in the children's mental health waiver account of the children's initiatives fund for fiscal year 2016 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the children's mental health waiver programs or grant recipients has been received by the children's cabinet: *Provided further*, That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*, That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

(d) On July 1, 2015, 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, 2015, 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, 2015, 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, 2016, 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, 2016, 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 2016 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 2016 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) During the fiscal year ending June 30, 2016, 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 2016 from the state institutions building 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 2016 from the state institutions building 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.

(j) 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 2016 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 public health from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2016 for the department of health and environment – division of public health, as authorized by this or other appropriation act of the 2015 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 2016 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 2016: *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 2016 for the Kansas department for aging and disability services, as authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the secretary for aging

and disability services for fiscal year 2016 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.

(k) On July 1, 2015, 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.

(l) On July 1, 2015, 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.

(m) In addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or in any special revenue fund or funds for fiscal year 2016 for the Kansas department for aging and disability services as authorized by this act or other appropriation act of the 2015 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures shall be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or in any special revenue fund or funds for fiscal year 2016 to provide continuing services to those individuals with developmental disabilities and physical disabilities who were removed from the waiting list and receiving services during fiscal year 2016.

(n) During the fiscal year ending June 30, 2016, 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 2016 for the Kansas department for aging and disability services as authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the secretary for aging and disability services for fiscal year 2016 to fix, charge and collect fees from parents for services provided to their children by an institution or program of the Kansas department for aging and disability services: *Provided*, That all moneys received by the Kansas department for aging and disability services for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the DADS social welfare fund.

(o) During the fiscal year ending June 30, 2016, in addition to 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 the above agency for fiscal year 2016 by this or any other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the Kansas department for aging and disability services from the state general fund or from any special revenue fund or funds for fiscal year 2016, to extend contract provisions that were in effect for the fiscal year ending June 30, 2015 for the national alliance for mental illness, keys for networking, and Kansas families partnerships to provide mental health education, outreach and advocacy services, and substance use treatment and for families together to provide parent training, education and support for families of individuals with disabilities: *Provided*, That the contract extension shall not be mandatory if the agency provides written notification to the current recipients of the

contracts for the fiscal year ending June 30, 2015, of the recipients of the new contracts selected for the fiscal year ending June 30, 2016: *Provided further*, That the notification shall occur at least 30 days prior to the end of the contracts with the existing recipients: *And provided further*, That in the event the contract extension is required, the extension shall be renewable monthly at the current monthly rate for a period not to exceed six months and shall expire no later than December 30, 2015.

(p) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$94,993 from the problem gambling and addictions grant fund of the Kansas department for aging and disability services to the state general fund.

(q) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$287,007 from the problem gambling and addictions grant fund of the Kansas department for aging and disability services to the DADS social welfare fund of the Kansas department for aging and disability services.

(r) On June 30, 2016, notwithstanding the provisions of K.S.A. 2014 Supp. 79-4805, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the problem gambling and addictions grant fund of the Kansas department for aging and disability services to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the problem gambling and addictions grant fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the problem gambling and addictions grant fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the Kansas department for aging and disability services by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 109.

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, 2017, the following:

Administration.....\$6,049,984  
*Provided*, That any unencumbered balance in the administration account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,748.

Administration – assessments.....\$478,190  
*Provided*, That any unencumbered balance in the administration – assessments – Level I care account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Administration – medicaid.....\$1,124,837  
*Provided*, That any unencumbered balance in the administration – medicaid account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Administration – older Americans act match.....\$102,072  
*Provided*, That any unencumbered balance in the administration – older Americans act match account in excess of \$100 as of June 30, 2016, is hereby reappropriated for

fiscal year 2017.

Senior care act.....\$2,547,848  
*Provided*, That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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 2016 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 2016: *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 2017 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 2016: *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, 2016, is hereby reappropriated for fiscal year 2017: *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 2016 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 2016: *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 2017 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 2016: *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 – NF.....\$305,121,668  
*Provided*, That any unencumbered balance in the LTC – medicaid assistance – NF account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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. 2014 Supp. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary for aging and disability services may provide rate increases for nursing facilities for fiscal year 2017.

LTC – medicaid assistance – PACE.....\$5,616,689  
*Provided*, That any unencumbered balance in the LTC – medicaid assistance – PACE account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year

2017: *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.....\$541,034  
*Provided*, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Nursing facilities regulation – title XIX.....\$1,465,153  
*Provided*, That any unencumbered balance in the nursing facilities regulation – title XIX account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Health occupational credentialing.....\$602,445  
 State operations.....\$10,715,469  
*Provided*, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated to the state operations account for fiscal year 2017: *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.....\$2,313,903  
*Provided*, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Mental health and retardation services aid and assistance.....\$41,426,288  
*Provided*, That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Kansas neurological institute – operating expenditures.....\$10,251,771  
*Provided*, That any unencumbered balance in the Kansas neurological institute – operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$27,348,732  
*Provided*, That any unencumbered balance in the Larned state hospital – operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$20,207,788

*Provided*, That any unencumbered balance in the Larned state hospital – sexual predator treatment program account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Osawatomie state hospital – operating expenditures .....\$13,763,917

*Provided*, That any unencumbered balance in the Osawatomie state hospital – operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$10,637,561

*Provided*, That any unencumbered balance in the Parsons state hospital and training center – operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$956,418

Community based services.....\$268,455,355

*Provided*, That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Community mental health centers supplemental funding.....\$12,250,000

*Provided*, That any unencumbered balance in the community mental health centers supplemental funding account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Larned state hospital – SPTP new crimes reimbursement.....\$250,000

*Provided*, That any unencumbered balance in the Larned state hospital – SPTP new crimes reimbursement account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall

not exceed the following:

Title XIX fund.....	\$45,668,027
<i>Provided</i> , 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: <i>Provided further</i> , 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.....	\$1,302,962
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
<i>Provided</i> , That all moneys received as fees for conference activities by Kansas neurological institute shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas neurological institute – conferences fees fund: <i>Provided further</i> , That the superintendent of Kansas neurological institute is hereby authorized to fix, charge and collect fees for conference activities sponsored by Kansas neurological institute: <i>And provided further</i> , That expenditures may be made from this fund to defray the costs of such conference activities.	
Larned state hospital fee fund.....	\$4,438,013
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
<i>Provided</i> , That all moneys received as fees for training activities for Osawatomie	

state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the 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.....\$8,497,648

*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

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.

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 2017 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

*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 2016 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 2016: *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 2017 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 2016: *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. 2014 Supp. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 2014 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. 2014 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.....No limit  
 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  
 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, 2016, October 1, 2016, January 1, 2017, and April 1, 2017, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$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, 2017, 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, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*, That during the fiscal year ending June 30, 2017, the director of accounts and reports shall withhold 10% of the moneys in the children's mental health waiver account of the children's initiatives fund for fiscal year 2017 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the children's mental health waiver programs or grant recipients has been received by the children's cabinet: *Provided further*, That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*, That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

(d) On July 1, 2016, 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, 2016, 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, 2016, 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, 2017, 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, 2017, 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 2017 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 2017 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) During the fiscal year ending June 30, 2017, 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 2017 from the state institutions building 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 2017 from the state institutions building 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.

(j) 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 2017 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 public health from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2017 for the department of health and environment – division of public health, as authorized by this or other appropriation act of the 2015 or 2016 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 2017 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 2017: *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 2017 for the Kansas department for aging and disability services, as authorized by this or other appropriation act of the 2015 or 2016 regular session of the legislature, expenditures shall be made by the secretary for aging and disability services for fiscal year 2017 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.

(k) On July 1, 2016, 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.

(l) On July 1, 2016, 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.

(m) In addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or in any special revenue fund or funds for fiscal year 2017 for the Kansas department for aging and disability services as authorized by this act or other appropriation act of the 2015 or 2016 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures shall be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or in any special revenue fund or funds for fiscal year 2017 to provide continuing services to those individuals with developmental disabilities and physical disabilities who were removed from the waiting list and receiving services during fiscal year 2017.

(n) During the fiscal year ending June 30, 2017, 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 2017 for the Kansas department for aging and disability services as authorized by this or other appropriation act of the 2015 or 2016 regular session of the legislature, expenditures shall be made by the secretary for aging and disability services for fiscal year 2017 to fix, charge and collect fees from parents for services provided to their children by an institution or program of the Kansas department for aging and disability services: *Provided*, That all moneys received by the Kansas department for aging and disability services for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the DADS social welfare fund.

(o) On July 1, 2016, or as soon thereafter as moneys are available, the director of

accounts and reports shall transfer \$94,993 from the problem gambling and addictions grant fund of the Kansas department for aging and disability services to the state general fund.

(p) On July 1, 2016, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$287,007 from the problem gambling and addictions grant fund of the Kansas department for aging and disability services to the DADS social welfare fund of the Kansas department for aging and disability services.

(q) On June 30, 2017, notwithstanding the provisions of K.S.A. 2014 Supp. 79-4805, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the problem gambling and addictions grant fund of the Kansas department for aging and disability services to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the problem gambling and addictions grant fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the problem gambling and addictions grant fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the Kansas department for aging and disability services by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 110.

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, 2016, the following:

State operations (including official hospitality).....\$100,508,080  
*Provided*, That any unencumbered balance in the state operations (including official hospitality) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Youth services aid and assistance.....\$119,261,255  
*Provided*, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Vocational rehabilitation aid and assistance.....\$3,342,633  
*Provided*, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided further*, That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: *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 sites and job trout sites throughout the state.

Cash assistance.....\$11,190,124  
*Provided*, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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.....No limit
- 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
SNAP employment and training pilot fund.....	No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2016, the following:

Children's cabinet accountability fund.....\$375,000

*Provided*, That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Child care.....\$5,033,679

*Provided*, That any unencumbered balance in the child care account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*; That during the fiscal year ending June 30, 2016, the director of accounts and reports shall withhold 10% of the moneys in the child care account of the children's initiatives fund for fiscal year 2016 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the child care programs or grant recipients has been received by the children's cabinet: *Provided further*; That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*; That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

Family preservation.....\$2,154,357

*Provided*, That any unencumbered balance in the family preservation account in excess of \$100 as of June 30, 2015 hereby reappropriated for fiscal year 2016: *Provided, however*; That during the fiscal year ending June 30, 2016, the director of accounts and reports shall withhold 10% of the moneys in the family preservation account of the children's initiatives fund for fiscal year 2016 until the director of

accounts and reports has received certification from the children's cabinet that all requested information regarding the family preservation programs or grant recipients has been received by the children's cabinet: *Provided further*; That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*; That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

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, 2015, is hereby reappropriated for fiscal year 2016.

Early childhood block grant.....\$18,176,472  
*Provided*, That any unencumbered balance in the early childhood block grant account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(d) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2016, the following:

Children's cabinet administration.....\$253,503

(e) During the fiscal year ending June 30, 2016, 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, 2016, from the state general fund for the Kansas department for children and families to another item of appropriation for fiscal year 2016 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, 2016, 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, 2015, 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, 2016, 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, 2016, 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, 2016, 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 2016, as authorized by this or other appropriation act of the 2015 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 2016 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 2016.

(j) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the other state fees fund of the Kansas department for children and families to the state general fund.

Sec. 111.

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, 2017, the following:

State operations (including official hospitality).....\$99,351,551

*Provided*, That any unencumbered balance in the state operations (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Youth services aid and assistance.....\$117,440,880

*Provided*, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Vocational rehabilitation aid and assistance.....\$4,678,662

*Provided*, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided further*, That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: *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 sites and job tryout sites throughout the state.

Cash assistance.....\$10,492,234

*Provided*, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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.....	No limit
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
SNAP employment and training pilot fund.....	No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2017, the following:

Children's cabinet accountability fund.....\$375,000

*Provided*, That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Child care.....\$5,033,679

*Provided*, That any unencumbered balance in the child care account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*, That during the fiscal year ending June 30, 2017, the director of accounts and reports shall withhold 10% of the moneys in the child care account of the children's initiatives fund for fiscal year 2017 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the child care programs or grant recipients has been received by the children's cabinet: *Provided further*, That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*, That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

Family preservation.....\$2,154,357

*Provided*, That any unencumbered balance in the family preservation account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*, That during the fiscal year ending June 30, 2017, the director of accounts and reports shall withhold 10% of the moneys in the family preservation account of the children's initiatives fund for fiscal year 2017 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the family preservation programs or grant recipients has been received by the children's cabinet: *Provided further*, That the director of accounts and reports shall transmit a copy of each such certification to the director of

the budget and the director of legislative research: *And provided further*, That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

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, 2016, is hereby reappropriated for fiscal year 2017.

Early childhood block grant.....\$18,174,711  
*Provided*, That any unencumbered balance in the early childhood block grant account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(d) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2017, the following:

Children's cabinet administration.....\$249,689

(e) During the fiscal year ending June 30, 2017, 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, 2017, from the state general fund for the Kansas department for children and families to another item of appropriation for fiscal year 2017 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, 2017, 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, 2016, 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, 2017, 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, 2017, 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, 2017, 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 2017, as authorized by this or other appropriation act of the 2015 or 2016 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 2017 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 2017.

Sec. 112.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Kansas guardianship program.....\$1,153,945

*Provided*, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Sec. 113.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Kansas guardianship program.....\$1,154,095

*Provided*, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Sec. 114.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2016, the following:

Kansas reading success.....\$2,100,000

*Provided*, That expenditures shall be made from the Kansas reading success account to issue a request for proposal to provide a statewide Kansas reading success program: *Provided further*, That the purpose of this program is to provide academic support to help ensure achievement on grade level in reading: *And provided further*, That such program shall be available to all Kansas public school students in grades Pre-K through 8 and be online-delivered, interactive computer adaptive reading assessment and research-based intervention for use both at school and at home: *And provided further*, That the program shall be correlated to at least one of the commonly used reading assessments, such as DIBELS or the Kansas State Reading Test and the vendor must provide evidence that this program improves reading skills and scores: *And provided further*, That such program must automatically place students into a personalized learning path, continually tailor instruction to the individual needs of the student: *And*

*provided further*, That such program shall provide teachers and administrators with immediate reporting, provide recommendations for interventions and provide teacher lessons and resources for teachers in order to deliver direct instruction based on the individual student needs: *And provided further*, That such program must make available to parents, reporting and resources regarding student participation via a home portal: *And provided further*, That such program must be able to provide a computer adaptive assessment, provide teachers, principals, and districts immediate online reporting including norm-referenced performance data that will enable teachers to plan and modify reading instruction without having to stop instructional time to administer a test: *And provided further*, That such program must provide accurate and predictive scores indicating the likelihood of a student being able to reach the requisite grade level reading skills by the end of the school year and an action plan for the students' teacher: *And provided further*, To ensure effective implementation of the program in conjunction with the beginning of the academic school year, the department of education shall announce and implement the program no later than August 15, 2015.

(b) During the fiscal year ending June 30, 2016, of the moneys appropriated in the pre-K program account of the children's initiatives fund for fiscal year 2016 by section 2(c) of 2015 House Substitute for Senate Bill No. 7, the director of accounts and reports shall withhold 10% of such moneys in the pre-K program account of the children's initiatives fund for fiscal year 2016 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the pre-K programs or grant recipients has been received by the children's cabinet: *Provided*, That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *Provided further*, That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

(c) During the fiscal year ending June 30, 2016, of the moneys appropriated in the parent education program account of the children's initiatives fund for fiscal year 2016 by section 2(c) of 2015 House Substitute for Senate Bill No. 7, the director of accounts and reports shall withhold 10% of such moneys in the parent education program account of the children's initiatives fund for fiscal year 2016 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the parent education programs or grant recipients has been received by the children's cabinet: *Provided*, That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *Provided further*, That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

(d) On July 1, 2015, of the \$12,792,999 appropriated for the above agency for the fiscal year ending June 30, 2016, by section 2(a) of 2015 House Substitute for Senate Bill No. 7 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$185,836 is hereby lapsed.

(e) On July 1, 2015, of the \$2,751,326,659 appropriated for the above agency for the fiscal year ending June 30, 2016, by section 2(a) of 2015 House Substitute for Senate Bill No. 7 from the state general fund in the block grants to USDs account, the sum of \$23,881,857 is hereby lapsed.

(f) On July 1, 2015, of the \$17,646,253 appropriated for the above agency for the fiscal year ending June 30, 2016, by section 2(a) of 2015 House Substitute for Senate

Bill No. 7 from the state general fund in the KPERs – employer contributions account, the sum of \$5,808,199 is hereby lapsed.

(g) During the fiscal year ending June 30, 2016, in addition to the other purposes for which expenditures may be made by the department of education from moneys appropriated from the state general fund or in any special revenue fund or funds for fiscal year 2016 by this or other appropriation act of the 2015 session of the legislature, expenditures shall be made by the department of education from the state general fund or from any special revenue fund or funds for fiscal year 2016 to report on a quarterly basis to the director of legislative research, every unified school district's monthly fund balances from the following funds: general fund, supplemental general fund, adult education, at-risk (4 year old), adult supplemental education, at risk (k-12), bilingual, virtual education, capital outlay, driver training, declining enrollment, extraordinary schools, food service, professional development, parents as teachers, summer school, special education, cost of living, vocational education, gifts and grants, special liability, school retirement, ancillary cash, special reserve, contingency reserve, textbooks and materials, activities, tuition reimbursement, special assessment and special education cooperative.

Sec. 115.

#### DEPARTMENT OF EDUCATION

(a) During the fiscal year ending June 30, 2017, of the moneys appropriated in the pre-K program account of the children's initiatives fund for fiscal year 2017 by section 2(c) of 2015 House Substitute for Senate Bill No. 7, the director of accounts and reports shall withhold 10% of such moneys in the pre-K program account of the children's initiatives fund for fiscal year 2017 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the pre-K programs or grant recipients has been received by the children's cabinet: *Provided*, That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *Provided further*, That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

(b) During the fiscal year ending June 30, 2017, of the moneys appropriated in the parent education program account of the children's initiatives fund for fiscal year 2017 by section 2(c) of 2015 House Substitute for Senate Bill No. 7, the director of accounts and reports shall withhold 10% of such moneys in the parent education program account of the children's initiatives fund for fiscal year 2017 until the director of accounts and reports has received certification from the children's cabinet that all requested information regarding the parent education programs or grant recipients has been received by the children's cabinet: *Provided*, That the director of accounts and reports shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *Provided further*, That upon receipt of such certification, the director of accounts and reports shall release the withheld funds.

(c) On July 1, 2016, of the \$13,073,604 appropriated for the above agency for the fiscal year ending June 30, 2017, by section 3(a) of 2015 House Substitute for Senate Bill No. 7 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$288,699 is hereby lapsed.

(d) On July 1, 2016, of the \$2,760,946,624 appropriated for the above agency for

the fiscal year ending June 30, 2017, by section 3(a) of 2015 House Substitute for Senate Bill No. 7 from the state general fund in the block grants to USDs account, the sum of \$82,910,972 is hereby lapsed.

(e) On July 1, 2016, of the \$23,109,684 appropriated for the above agency for the fiscal year ending June 30, 2017, by section 3(a) of 2015 House Substitute for Senate Bill No. 7 from the state general fund in the KPERS – employer contributions account, the sum of \$10,481,421 is hereby lapsed.

(f) During the fiscal year ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the department of education from moneys appropriated from the state general fund or in any special revenue fund or funds for fiscal year 2017 by this or other appropriation act of the 2015 or 2016 session of the legislature, expenditures shall be made by the department of education from the state general fund or from any special revenue fund or funds for fiscal year 2017 to report on a quarterly basis to the director of legislative research, every unified school district's monthly fund balances from the following funds: general fund, supplemental general fund, adult education, at-risk (4 year old), adult supplemental education, at risk (k-12), bilingual, virtual education, capital outlay, driver training, declining enrollment, extraordinary schools, food service, professional development, parents as teachers, summer school, special education, cost of living, vocational education, gifts and grants, special liability, school retirement, ancillary cash, special reserve, contingency reserve, textbooks and materials, activities, tuition reimbursement, special assessment and special education cooperative.

Sec. 116.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures.....\$1,390,869

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$872.

Grants to libraries and library systems.....\$2,651,604

*Provided*, That any unencumbered balance in the grants to libraries and library systems account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided further*; That, of the moneys appropriated in the grants to libraries and library systems account, \$1,174,877 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 \$289,651 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, 2016, all moneys now or hereafter 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. 117.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures.....\$1,381,187

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$872.

Grants to libraries and library systems.....\$2,649,823

*Provided*, That any unencumbered balance in the grants to libraries and library systems account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided further*; That, of the moneys appropriated in the grants to libraries and library systems account, \$1,174,877 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 \$287,870 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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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. 118.

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, 2016, the following:

Operating expenditures.....\$5,169,731

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*; That expenditures from the operating expenditures for official hospitality shall not exceed \$2,000.

Arts for the handicapped.....\$133,847

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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
Deaf-blind project – federal fund.....	No limit
Safe schools – federal fund.....	No limit
Child and adult care food program – federal fund.....	No limit

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, 2017, the following:

Operating expenditures.....\$5,300,361

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*, That expenditures from the operating expenditures for official hospitality shall not exceed \$2,000.

Arts for the handicapped.....\$133,847

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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
Deaf-blind project – federal fund.....	No limit
Safe schools – federal fund.....	No limit
Child and adult care food program – federal fund.....	No limit

Sec. 120.

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, 2016, the following:

Operating expenditures.....	\$8,682,239
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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
Personnel development grant – federal fund.....	No limit
Safe schools – federal fund.....	No limit

Sec. 121.

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, 2017, the following:

Operating expenditures.....\$8,862,694

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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
Personnel development grant – federal fund.....	No limit
Safe schools – federal fund.....	No limit

Sec. 122.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures.....	\$4,023,819
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Kansas humanities council.....	\$52,605
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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, 2016, all moneys now or hereafter 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
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*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
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*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 2016 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. 123.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures.....	\$4,075,408
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Kansas humanities council.....	\$52,605
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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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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. 124.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures (including official hospitality).....\$32,422,494

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Master's-level nursing capacity.....\$131,567

Kansas wetlands education center at Cheyenne bottoms.....\$258,965

*Provided*, That any unencumbered balance in the Kansas wetlands education center at Cheyenne bottoms account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Kansas academy of math and science.....\$722,660

*Provided*, That any unencumbered balance in the Kansas academy of math and science account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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, 2015, 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. 125.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures (including official hospitality).....\$32,934,843

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Master's-level nursing capacity.....\$131,520

Kansas wetlands education center at Cheyenne bottoms.....\$258,470

*Provided*, That any unencumbered balance in the Kansas wetlands education center at Cheyenne bottoms account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Kansas academy of math and science.....\$722,418

*Provided*, That any unencumbered balance in the Kansas academy of math and science account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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, 2016, 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. 126.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures (including official hospitality).....\$99,674,233

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

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, 2015, is hereby reappropriated for fiscal year 2016.

Global food systems.....\$5,000,000

*Provided*, That unencumbered balance in the global food systems account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided further*; That all moneys in the global food systems account expended for fiscal year 2016 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university: *And provided further*; That Kansas state university shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how the global food systems-related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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 capital 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
- Interest bearing grants fund.....No limit

*Provided*, That, on or before the 10<sup>th</sup> day of each month commencing during fiscal year 2016, the director of accounts and reports shall transfer from the state general fund to the interest bearing grants fund interest earnings based on: (1) The average daily balance in the interest bearing grants 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, 2015, 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. 127.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

- Operating expenditures (including official hospitality).....\$101,798,358

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

- 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, 2016, is hereby reappropriated for fiscal year 2017.

- Global food systems.....\$5,000,000

*Provided*, That any unencumbered balance in the global food systems account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017:

*Provided further*, That all moneys in the global food systems account expended for fiscal year 2017 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university: *And provided further*, That Kansas state university shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how the global food systems-related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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 capital 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  
 Interest bearing grants fund.....No limit

*Provided*, That, on or before the 10<sup>th</sup> day of each month commencing during fiscal year 2017, the director of accounts and reports shall transfer from the state general fund to the interest bearing grants fund interest earnings based on: (1) The average daily balance in the interest bearing grants 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, 2016, 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. 128.

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, 2016, the following:

Cooperative extension service (including official hospitality).....\$18,036,270

*Provided*, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Agricultural experiment stations (including official hospitality).....\$28,920,003

*Provided*, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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 2016: *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
<i>Provided</i> , 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, 2016, the following:

Agricultural experiment stations.....\$297,050

(d) During the fiscal year ending June 30, 2016, 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. 129.

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, 2017, the following:

Cooperative extension service (including official hospitality).....\$18,105,744  
*Provided*, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Agricultural experiment stations (including official hospitality).....\$29,553,093  
*Provided*, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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 2016: *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, 2017, the following:

Agricultural experiment stations.....\$296,614

(d) During the fiscal year ending June 30, 2017, 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. 130.

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, 2016, the following:

Operating expenditures (including official hospitality).....\$9,500,892

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Operating enhancement.....\$4,990,130

*Provided*, That any unencumbered balance in the operating enhancement account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided further*, 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, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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.

Vet health center revenue fund.....No limit

Faculty of distinction matching 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, 2015, the veterinary medicine teaching hospital revenue fund of the Kansas state university veterinary medical center is hereby redesignated as the vet health center revenue fund of Kansas state university veterinary medical center.

(d) On July 1, 2015, 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. 131.

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, 2017, the following:

Operating expenditures (including official hospitality).....\$9,734,847  
*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Operating enhancement.....\$5,024,765  
*Provided*, That any unencumbered balance in the operating enhancement account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017:  
*Provided further*; 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, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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.

Vet health center 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, 2016, 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. 132.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures (including official hospitality).....\$30,815,419

*Provided,* That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Reading recovery program.....\$212,714

*Provided,* That expenditures may be made from the reading recovery program account for official hospitality.

Nat'l Board Cert/Future Teacher Academy.....\$129,050

*Provided,* That expenditures may be made from the nat'l board cert/future teacher academy account for official hospitality.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund.....No limit

*Provided*, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund.....No limit

*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on state normal school fund 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: *And provided further*, That expenditures may be made from the restricted fees fund for official hospitality.

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, 2015, 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. 133.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures (including official hospitality).....\$31,450,483

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Reading recovery program.....\$212,552

*Provided*, That expenditures may be made from the reading recovery program account for official hospitality.

Nat'l Board Cert/Future Teacher Academy.....\$129,050

*Provided*, That expenditures may be made from the nat'l board cert/future teacher academy account for official hospitality.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund.....No limit

*Provided*, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund.....No limit

*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on state normal school fund 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: <i>And provided further</i> ; That expenditures may be made from the restricted fees 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: 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, 2016, 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. 134.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures (including official hospitality).....\$33,701,907  
*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

School of construction.....\$745,528  
*Provided*, That any unencumbered balance in the school of construction account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Polymer science program.....\$995,652  
*Provided*, That any unencumbered balance in the polymer science program account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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, 2016, 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. 135.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures (including official hospitality).....\$34,614,305

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

School of construction.....\$745,318

*Provided*, That any unencumbered balance in the school of construction account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Polymer science program.....\$995,232

*Provided*, That any unencumbered balance in the polymer science program account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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, 2017, 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. 136.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures (including official hospitality).....\$127,592,285  
*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Geological survey.....\$5,826,424  
*Provided*, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from the geological survey account of the state general fund for fiscal year 2016, expenditures shall be made by the above agency from the geological survey account of the state general fund for fiscal year 2016 for seismic surveys in an amount not less than \$100,000.

Umbilical cord matrix project.....\$129,935  
*Provided*, That any unencumbered balance in the umbilical cord matrix project account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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, 2015, 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, 2016, 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, 2015, in the geological survey account is hereby reappropriated for fiscal year 2016.

Sec. 137.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures (including official hospitality).....\$130,753,029

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Geological survey.....\$6,005,630

*Provided*, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided further*; That in addition to the other purposes for which expenditures may be made by the above agency from the geological survey account of the state general fund for fiscal year 2017, expenditures shall be made by the above agency from the geological survey account of the state general fund for fiscal year 2017 for seismic surveys in an amount not less than \$100,000.

Umbilical cord matrix project.....\$131,584

*Provided*, That any unencumbered balance in the umbilical cord matrix project account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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, 2016, 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, 2017, for the water plan project or projects specified, the following:

Geological survey.....	\$26,841
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*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2016, in the geological survey account is hereby reappropriated for fiscal year 2017.

Sec. 138.

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, 2016, the following:

Operating expenditures (including official hospitality).....	\$98,683,034
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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, 2015, is hereby reappropriated for fiscal year 2016: *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.....	\$4,476,896
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*Provided*, That any unencumbered balance in the medical scholarships and loans account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Midwest stem cell therapy center .....	\$749,093
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*Provided*, That any unencumbered balance in the midwest stem cell therapy center account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Rural health bridging.....	\$140,000
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Cancer center research.....	\$4,961,910
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*Provided*, That any unencumbered balance in the cancer center research account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016:

*Provided further*, That all moneys in the cancer center research account expended for fiscal year 2016 shall be matched by the university of Kansas medical center on a \$1 for \$1 basis from other moneys of the university of Kansas medical center: *And provided further*, That the university of Kansas medical center shall submit a plan to the house

committee on appropriations, the senate committee on ways and means and the governor as to how cancer center research related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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

(c) On July 1, 2015, 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, 2016, 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.

Sec. 139.

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, 2017, the following:

Operating expenditures (including official hospitality).....\$102,095,388

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$4,477,164

*Provided*, That any unencumbered balance in the medical scholarships and loans account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Midwest stem cell therapy center.....\$771,697

*Provided*, That any unencumbered balance in the midwest stem cell therapy center account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Rural health bridging.....\$140,000

Cancer center research.....\$5,150,532

*Provided*, That any unencumbered balance in the cancer center research account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided further*; That all moneys in the cancer center research account expended for fiscal year 2017 shall be matched by the university of Kansas medical center on a \$1 for \$1 basis from other moneys of the university of Kansas medical center: *And provided further*; That the university of Kansas medical center shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how cancer center research related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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

(c) On July 1, 2016, 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, 2017, 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.

Sec. 140.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures (including official hospitality).....\$63,148,842

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Aviation research.....\$5,000,000

*Provided*, That any unencumbered balance in the aviation research account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided further*; That all moneys in the aviation research account expended for fiscal year 2016 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university: *And provided further*; That Wichita state university shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how aviation research related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2016.

Technology transfer facility.....\$2,000,000

Aviation infrastructure.....\$3,500,000

*Provided*, That during the fiscal year ending June 30, 2016, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the aviation infrastructure account for fiscal year 2016 by Wichita state university by this or other appropriation act of the 2015 regular session of the legislature, the moneys appropriated in the aviation infrastructure account for fiscal year 2016 may only be expended for training and equipment expenditures of the national

center for aviation training.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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; telecommunications; computer 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.

- 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
Kan-grow engineering fund – WSU.....	No limit

(c) During the fiscal year ending June 30, 2016, 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 2016 by this or other appropriation act of the 2015 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 2016, 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 (c), 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 general fund for fiscal year 2016: *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 2016 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 general fund for fiscal year 2015 and fiscal year 2016.

Sec. 141.

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures (including official hospitality).....\$64,379,391  
*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Aviation research.....\$5,000,000  
*Provided*, That any unencumbered balance in the aviation research account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided further*; That all moneys in the aviation research account expended for fiscal year 2017 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university: *And provided further*; That Wichita state university shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how aviation research related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2017.

Technology transfer facility.....\$2,000,000  
*Provided*, That any unencumbered balance in the technology transfer facility account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Aviation infrastructure.....\$3,500,000  
*Provided*, That any unencumbered balance in the aviation infrastructure account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided further*; That during the fiscal year ending June 30, 2017, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the aviation infrastructure account for fiscal year 2017 by Wichita state university by this or other appropriation act of the 2015 or 2016 regular session of the legislature, the moneys appropriated in the aviation infrastructure account for fiscal year 2017 may only be expended for training and equipment expenditures of the national center for aviation training.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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; telecommunications; computer 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.

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

Kan-grow engineering fund – WSU.....No limit

(c) During the fiscal year ending June 30, 2017, 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 2017 by this or other appropriation act of the 2015 or 2016 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 2017, 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 (c), 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 general fund for fiscal year 2017: *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 2017 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 general fund for fiscal year 2016 and fiscal year 2017.

Sec. 142.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures (including official hospitality).....	\$4,383,678
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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, 2015, is hereby reappropriated for fiscal year 2016: *Provided further*, That, during fiscal year 2016, 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 2016 by the state board of regents as authorized by this or other appropriation act of the 2015 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 2016 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 2016, 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 2016 by the state board of regents as authorized by this or other appropriation act of the 2015 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 2016 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, 2015, is hereby reappropriated for fiscal year 2016: *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, 2015, is hereby reappropriated for fiscal year 2016: *Provided further*; That, during fiscal year 2016, in addition to the other purposes for which expenditures may be made by the above agency from the comprehensive grant program account for fiscal year 2016, expenditures shall be made by the above agency from the comprehensive grant program account for fiscal year 2016 for grants to independent and private colleges: *And Provided further*; That, the state board of regents and the Kansas independent college association shall submit a report to the house committee on appropriations and the senate committee on ways and means on the total dollars distributed to each college, and how many students received scholarships: *And provided further*; That, such expenditures for such grants to independent and private colleges shall be in an amount not less than 60% of the total amount of such grants.

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, 2015, is hereby reappropriated for fiscal year 2016.

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, 2015, is hereby reappropriated for fiscal year 2016: *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, 2015, is hereby reappropriated for fiscal year 2016.

Military service scholarships.....\$470,314  
*Provided*, That any unencumbered balance in the military service scholarships account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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. 2014 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, 2015, is hereby reappropriated for fiscal year 2016.

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, 2015, is hereby reappropriated for fiscal year 2016.

Career technical workforce grant.....\$114,075  
*Provided*, That any unencumbered balance in the vocational scholarships account in excess of \$100 as of June 30, 2015, is hereby reappropriated to the career technical workforce grant account for fiscal year 2016.

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, 2015, is hereby reappropriated for fiscal year 2016.

Optometry education program.....\$107,089  
*Provided*, That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Municipal university operating grant.....\$11,900,920  
 Adult basic education.....\$1,457,031  
 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, 2016, 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, 2015, in the postsecondary tiered technical education state aid account, then the difference between the amount of moneys appropriated for the fiscal year 2016 and the amount of moneys appropriated for the above agency for the fiscal year 2015 shall be distributed based on each eligible institution's calculated gap, according to the postsecondary tiered technical education state aid act, K.S.A. 2014 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 2016 that is less than the amount such eligible institution received from such account in fiscal year 2015, unless the amount of moneys appropriated for the above agency for fiscal year 2015 in the postsecondary tiered technical education state aid account for fiscal year 2016 is less than the amount of moneys appropriated for the above agency for fiscal year 2015 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 2016 is less than the amount of moneys appropriated for the above agency for fiscal year 2015 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: *And provided further*, That the state board of regents shall create a preliminary plan to fully implement the provisions of K.S.A. 2014 Supp. 71-1803(a), and amendments thereto, in consultation with technical colleges and community colleges, according to the postsecondary tiered technical education state aid act, K.S.A. 2014 Supp. 71-1801 through 71-1810, and amendments thereto, prior to November 1, 2015: *And provided further*, That the state board shall submit the final plan to the house committee on appropriations and the senate committee on ways and means no later than February 1, 2016.

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  
 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, 2015, is hereby reappropriated for fiscal year 2016: *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, 2015, is hereby reappropriated for fiscal year 2016: *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.....\$19,934

*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 2016, expenditures shall be made by the above agency from the postsecondary technical education authority account for fiscal year 2016 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 2016 regular session of the legislature.

Tuition for technical education.....\$20,750,000

*Provided*, That, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2016, expenditures shall be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2016 for the payment of technical education tuition for adult students who are enrolled in technical education classes while obtaining a GED using the Accelerating Opportunity program: *Provided further*, That, such expenditures shall be in an amount not less than \$500,000.

Incentive for technical education.....\$750,000

*Provided*, That, on July 1, 2015, notwithstanding the provisions of K.S.A. 72-4489, and amendments thereto, or any other statute, the state board of regents shall grant an award in an amount equal to \$1,000 for each pupil graduating from a high school in a school district having obtained an industry-recognized credential either prior to graduation from high school or by December 31 immediately following graduation in an occupation that has been identified by the secretary of labor in consultation with the state board of regents and the state board of education as an occupation in highest need of additional skilled employees at the time the pupil entered the career technical education course or program in the school district: *Provided further*, That, if the amount of moneys appropriated for the above agency for fiscal year 2016 is less than the amount of moneys to be awarded to such school districts, the state board of regents shall prorate the available moneys to such school districts accordingly.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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
KanTRAIN 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
Temporary assistance for needy families federal fund.....	No limit
Workforce data quality initiative.....	No limit
Postsecondary education performance-based incentives fund.....	\$1,905,228

*Provided*, That notwithstanding the provisions of K.S.A. 2014 Supp. 72-4490, and amendments thereto, or any other statute, for fiscal year 2016, for the purpose of payments from the postsecondary education performance-based incentives fund, the term "eligible postsecondary educational institution" shall include Johnson county community college.

(c) During the fiscal year ending June 30, 2016, 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, 2016, to another item of appropriation in an account of the state general fund for fiscal year 2016. 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 2016 for such state educational institution as authorized by this or other appropriation act of the 2015 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 2016 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 2016: *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 to 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 2016 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, 2016, the following:

SEDIF – vocational education capital outlay aid.....	\$2,547,726
<i>Provided</i> , That any unencumbered balance in excess of \$100 as of June 30, 2015, in the SEDIF – vocational education capital outlay aid account is hereby reappropriated for fiscal year 2016: <i>Provided further</i> , 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, 2015, in the SEDIF – technology innovation and internship program account is hereby reappropriated for fiscal year 2016.

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, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,905,228 from the state general fund to the postsecondary education performance-based incentives fund of the state board of regents.

(g) 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 or from any special revenue fund or funds for the state board of regents for fiscal year 2016, as authorized by this or any other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the state board of regents from moneys appropriated from the state general fund or from any special revenue fund or funds for the state board of regents for fiscal year 2016 to pay for membership dues for the midwest higher education compact.

Sec. 143.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures (including official hospitality).....\$4,495,467

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided further*, That, during fiscal year 2017, 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 2017 by the state board of regents as authorized by this or other appropriation act of the 2015 or 2016 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 2017 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 2017, 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 2017 by the state board of regents as authorized by this or other appropriation act of the 2015 or 2016 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 2017 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, 2016, is hereby reappropriated for fiscal year 2017: *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, 2016, is hereby reappropriated for fiscal year 2017.

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, 2016, is hereby reappropriated for fiscal year 2017.

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, 2016, is hereby reappropriated for fiscal year 2017: *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, 2016, is hereby reappropriated for fiscal year 2017.

Military service scholarships.....\$470,314

*Provided*, That any unencumbered balance in the military service scholarships

account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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. 2014 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, 2016, is hereby reappropriated for fiscal year 2017.

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, 2016, is hereby reappropriated for fiscal year 2017.

Career technical workforce grant.....\$114,075  
*Provided*, That any unencumbered balance in the career technical workforce grant account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

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, 2016, is hereby reappropriated for fiscal year 2017.

Optometry education program.....\$107,089  
*Provided*, That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Municipal university operating grant.....\$11,900,920  
 Adult basic education.....\$1,457,031  
 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, 2017, 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, 2016, in the postsecondary tiered technical education state aid account, then the difference between the amount of moneys appropriated for the fiscal year 2017 and the amount of moneys appropriated for the above agency for the fiscal year 2016 shall be distributed based on each eligible institution's calculated gap, according to the postsecondary tiered technical education state aid act, K.S.A. 2014 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 2017 that is less than the amount such eligible institution received from such account in fiscal year 2016, unless the amount of moneys appropriated for the above agency for fiscal year 2016 in the postsecondary tiered technical education state aid account for fiscal year 2017 is less than the amount of moneys appropriated for the above agency for fiscal year 2016 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 2017 is less than the amount of moneys appropriated for the above agency for fiscal year 2016 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  
 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, 2016, is hereby reappropriated for fiscal year 2017: *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, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$19,928  
 Tuition for technical education.....\$20,750,000

*Provided*, That, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2017, expenditures shall be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2017 for the payment of technical education tuition for adult students who are enrolled in technical education classes while obtaining a GED using the Accelerating Opportunity program: *Provided further*, That, such expenditures shall be in an amount not less than \$500,000.

Incentive for technical education.....\$750,000

*Provided*, That, on July 1, 2016, notwithstanding the provisions of K.S.A. 72-4489, and amendments thereto, or any other statute, the state board of regents shall grant an award in an amount equal to \$1,000 for each pupil graduating from a high school in a school district having obtained an industry-recognized credential either prior to graduation from high school or by December 31 immediately following graduation in an occupation that has been identified by the secretary of labor in consultation with the state board of regents and the state board of education as an occupation in highest need

of additional skilled employees at the time the pupil entered the career technical education course or program in the school district: *Provided further*; That, if the amount of moneys appropriated for the above agency for fiscal year 2017 is less than the amount of moneys to be awarded to such school districts, the state board of regents shall prorate the available moneys to such school districts accordingly.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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.
- 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
<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
KanTRAIN 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
Temporary assistance for needy families federal fund.....	No limit
Workforce data quality initiative.....	No limit
Postsecondary education performance-based incentives fund.....	\$1,905,228

(c) During the fiscal year ending June 30, 2017, 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, 2017, to another item of appropriation in an account of the state general fund for fiscal year 2017. 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 2017 for such state educational institution as authorized by this or other appropriation act of the 2015 or 2016 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 2017 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 2017: *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 to 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 2017 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, 2017, the following:

SEDIF – vocational education capital outlay aid.....\$2,547,726

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2016, in the SEDIF – vocational education capital outlay aid account is hereby reappropriated for fiscal year 2017: *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, 2016, in the SEDIF – technology innovation and internship program account is hereby reappropriated for fiscal year 2017.

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, 2016, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,905,228 from the state general fund to the postsecondary education performance-based incentives fund of the state board of regents.

(g) 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 or from any special revenue fund or funds for the state board of regents for fiscal year 2017, as authorized by this or any other appropriation act of the 2015 or 2016 regular session of the legislature, expenditures shall be made by the state board of regents from moneys appropriated from the state general fund or from any special revenue fund or funds for the state board of regents for fiscal year 2017 to pay for membership dues for the midwest higher education compact.

Sec. 144.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures .....\$22,991,449

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016:

*Provided, however;* That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Operating expenditures – juvenile services.....\$1,127,650

*Provided,* That any unencumbered balance in the operating expenditures – juvenile services account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Community corrections.....\$22,010,385

*Provided,* That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016:

*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 2016 which supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections.

Local jail payments.....\$800,000

*Provided,* That any unencumbered balance in the local jail payments account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016:

*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.....\$63,980,760

*Provided,* That any unencumbered balance in the treatment and programs account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Purchase of services.....\$20,124,000

*Provided,* That any unencumbered balance in the purchase of services account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Prevention and graduated sanctions community grants.....\$21,383,874

*Provided,* That any unencumbered balance in the prevention and graduated sanctions community grants account excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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.....\$14,538,740

*Provided,* That any unencumbered balance in the Topeka correctional facility – facilities operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however;* That expenditures from the Topeka correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Hutchinson correctional facility – facilities operations.....\$30,211,949

*Provided,* That any unencumbered balance in the Hutchinson correctional facility – facilities operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however;* That expenditures from the Hutchinson correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Lansing correctional facility – facilities operations.....\$39,725,959

*Provided*, That any unencumbered balance in the Lansing correctional facility – facilities operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*; That expenditures from the Lansing correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Ellsworth correctional facility – facilities operations.....\$14,071,934

*Provided*, That any unencumbered balance in the Ellsworth correctional facility – facilities operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*; That expenditures from the Ellsworth correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Winfield correctional facility – facilities operations.....\$12,699,455

*Provided*, That any unencumbered balance in the Winfield correctional facility – facilities operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*; That expenditures from the Winfield correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Norton correctional facility – facilities operations.....\$15,162,300

*Provided*, That any unencumbered balance in the Norton correctional facility – facilities operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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.....\$27,669,908

*Provided*, That any unencumbered balance in the El Dorado correctional facility – facilities operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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.....\$10,401,626

*Provided*, That any unencumbered balance in the Larned correctional mental health facility – facilities operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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 – facilities operations.....\$14,354,478

*Provided*, That any unencumbered balance in the Kansas juvenile correctional complex facility operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated to the Kansas juvenile correctional complex – facilities operations account for fiscal year 2016: *Provided, however*; That expenditures from the Kansas juvenile correctional complex – facilities operations account for official hospitality shall not exceed \$500: *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 – facilities operations.....\$8,319,144  
*Provided*, That any unencumbered balance in the Larned juvenile correctional facility operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated to the Larned juvenile correctional facility – facilities operations account for fiscal year 2016: *Provided, however*; That expenditures from the Larned juvenile correctional facility – facilities operations account for official hospitality shall not exceed \$500: *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.....\$14,990,194  
*Provided*, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Evidence based juvenile programs \$500,000  
*Provided*, That expenditures shall be made by the above agency from the evidence based juvenile programs account of the state general fund to implement community based programs that serve to further reduce juvenile out-of-home placements in group homes: *Provided further*; That the secretary of corrections shall submit a report to the 2016 legislature detailing the effectiveness of the evidence based juvenile programs including cost benefit and cost avoidance analyses.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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
- Justice reinvestment technical assistance for state governments project – federal fund.....No limit
- Residential substance abuse treatment – federal fund.....No limit
- Department of corrections forensic psychologist fund.....No limit
- Provided*, That expenditures may be made from the department of corrections forensic psychologist fund for general health care contract expenses.
- Ed Byrne memorial justice assistance grants – federal fund.....No limit
- Violence against women – federal fund.....No limit
- Sex offender management grant – federal fund.....No limit
- Department of corrections state asset forfeiture fund.....No limit
- Chapter I – federal fund.....No limit
- Victims of crime act – federal fund .....No limit
- Correctional industries fund.....No limit
- Provided*, That expenditures may be made from the correctional industries fund for official hospitality.
- Ed Byrne state and local law assistance – federal fund.....No limit
- Bulletproof vest partnership – federal fund.....No limit
- Safeguard community grants – federal fund.....No limit
- Workforce investment act – federal fund.....No limit
- Workplace and community transition training – federal fund.....No limit
- USMS reimbursement – federal fund.....No limit
- Community awareness project – federal fund.....No limit

Corrections training and staff development – federal fund.....	No limit
Second chance act – federal fund.....	No limit
Alcohol and drug abuse treatment fund.....	No limit
<i>Provided</i> , That expenditures may be made from the alcohol and drug abuse treatment fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.	
Juvenile delinquency prevention trust fund.....	No limit
State of Kansas – department of corrections inmate benefit fund.....	No limit
Department of corrections – alien incarceration grant fund – federal.....	No limit
Department of corrections – general fees fund.....	No limit
<i>Provided</i> , That expenditures may be made from the department of corrections – general fees fund for operating expenditures for training programs for correctional personnel, including official hospitality: <i>Provided further</i> , That the secretary of corrections is hereby authorized to fix, charge and collect fees for such programs: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: <i>And provided further</i> , That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the department of corrections – general fees fund.	
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
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
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
Title V – delinquency prevention program – 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
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
Dev/test/demo new prgs – Kansas juvenile correctional complex – federal fund.....	No limit
Kansas juvenile correctional complex – improvement fund.....	No limit
Comprehensive approach to sex offender management discretionary grant – Kansas juvenile correctional complex – federal fund.....	No limit

(c) During the fiscal year ending June 30, 2016, 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, 2016, 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 2016 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 2016 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 2016 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, 2015, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2015.

(f) On July 1, 2015, October 1, 2015, January 1, 2016, and April 1, 2016, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$483,750 from the correctional industries fund to the department of corrections – general fees fund.

(g) During the fiscal year ending June 30, 2016, 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, 2015, 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 2016, 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 2016 for purchase of services.

(j) On July 1, 2015, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 75-52,139, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$46,950 from the department of corrections – general fees fund of the department of corrections to the state general fund.

Sec. 145.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures.....	\$23,458,646
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017:	
<i>Provided, however</i> , That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.	
Operating expenditures – juvenile services.....	\$1,153,353

*Provided*, That any unencumbered balance in the operating expenditures – juvenile services account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Community corrections.....\$22,010,385

*Provided*, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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 2017 which supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections.

Local jail payments.....\$800,000

*Provided*, That any unencumbered balance in the local jail payments account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$66,945,895

*Provided*, That any unencumbered balance in the treatment and programs account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Purchase of services.....\$18,754,000

*Provided*, That any unencumbered balance in the purchase of services account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

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, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$14,865,914

*Provided*, That any unencumbered balance in the Topeka correctional facility – facilities operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*; That expenditures from the Topeka correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Hutchinson correctional facility – facilities operations.....\$31,024,792

*Provided*, That any unencumbered balance in the Hutchinson correctional facility – facilities operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*; That expenditures from the Hutchinson correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Lansing correctional facility – facilities operations.....\$40,727,744

*Provided*, That any unencumbered balance in the Lansing correctional facility – facilities operations account in excess of \$100 as of June 30, 2016, is hereby

reappropriated for fiscal year 2017: *Provided, however*; That expenditures from the Lansing correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Ellsworth correctional facility – facilities operations.....\$14,334,891

*Provided*, That any unencumbered balance in the Ellsworth correctional facility – facilities operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*; That expenditures from the Ellsworth correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Winfield correctional facility – facilities operations.....\$12,997,184

*Provided*, That any unencumbered balance in the Winfield correctional facility – facilities operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*; That expenditures from the Winfield correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Norton correctional facility – facilities operations.....\$15,568,713

*Provided*, That any unencumbered balance in the Norton correctional facility – facilities operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*; That expenditures from the Norton correctional facility – facilities operations account for official hospitality shall not exceed \$500.

El Dorado correctional facility – facilities operations.....\$28,337,847

*Provided*, That any unencumbered balance in the El Dorado correctional facility – facilities operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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.....\$10,625,969

*Provided*, That any unencumbered balance in the Larned correctional mental health facility – facilities operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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 – facilities operations.....\$14,630,466

*Provided*, That any unencumbered balance in the Kansas juvenile correctional complex – facilities operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*; That expenditures from the Kansas juvenile correctional complex – facilities operations account for official hospitality shall not exceed \$500: *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 – facilities operations.....\$8,475,811

*Provided*, That any unencumbered balance in the Larned juvenile correctional facility – facilities operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*; That expenditures from the

Larned juvenile correctional facility – facilities operations account for official hospitality shall not exceed \$500: *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.....\$15,297,829

*Provided*, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Supervision fees fund.....No limit

Justice reinvestment technical assistance for state governments project – federal fund.....No limit

Residential substance abuse treatment – federal fund.....No limit

Department of corrections forensic psychologist fund.....No limit

*Provided*, That expenditures may be made from the department of corrections forensic psychologist fund for general health care contract expenses.

Ed Byrne memorial justice assistance grants – federal fund.....No limit

Violence against women – federal fund.....No limit

Sex offender management grant – federal fund.....No limit

Department of corrections state asset forfeiture fund.....No limit

Chapter I – federal fund.....No limit

Victims of crime act – federal fund .....No limit

Correctional industries fund.....No limit

*Provided*, That expenditures may be made from the correctional industries fund for official hospitality.

Ed Byrne state and local law assistance – federal fund.....No limit

Bulletproof vest partnership – federal fund.....No limit

Safeguard community grants – federal fund.....No limit

Workforce investment act – federal fund.....No limit

Workplace and community transition training – federal fund.....No limit

USMS reimbursement – federal fund.....No limit

Community awareness project – federal fund.....No limit

Corrections training and staff development – federal fund.....No limit

Second chance act – federal fund.....No limit

Alcohol and drug abuse treatment fund.....No limit

*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.

Juvenile delinquency prevention trust fund.....No limit

State of Kansas – department of corrections inmate benefit fund.....No limit

Department of corrections – alien incarceration grant fund – federal.....No limit

Department of corrections – general fees fund.....No limit

*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.

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
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
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
Title V – delinquency prevention program – 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
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
Dev/test/demo new prgs – Kansas juvenile correctional	
complex – federal fund.....	No limit
Kansas juvenile correctional complex – improvement fund.....	No limit
Comprehensive approach to sex offender management	
discretionary grant – Kansas juvenile correctional	
complex – federal fund.....	No limit

(c) During the fiscal year ending June 30, 2017, 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, 2017, 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 2017 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 2017 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 2017 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, 2016, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2016.

(f) On July 1, 2016, October 1, 2016, January 1, 2017, and April 1, 2017, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$483,750 from the correctional industries fund to the department of corrections – general fees fund.

(g) During the fiscal year ending June 30, 2017, 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, 2016, 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 2017, 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 2017 for purchase of services.

Sec. 146.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

- Operating expenditures.....\$5,063,336  
*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,250.
- Incident management team.....\$15,554  
*Provided*, That any unencumbered balance in the incident management team account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.
- Civil air patrol – operating expenditures.....\$39,982
- Military activation payments.....\$6,000  
*Provided*, That any unencumbered balance in the military activation payments account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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. 2014 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, 2015, in each of the following accounts is hereby reappropriated for fiscal year 2016: 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, 2016, all moneys now or hereafter 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 the adjutant general is hereby authorized to fix, charge and collect fees agreed upon in memorandums of understanding with 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 under the provisions of the memorandums of understanding with other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That all fees received pursuant to such memorandums of understanding shall be deposited 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.
- 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
- 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 grants – public assistance federal fund.....No limit
- National guard military operations/maintenance federal fund .....No limit

- Econ adjustment/military installation federal fund.....No limit
  - Disaster assistance to individual/household federal fund.....No limit
  - Interoperability communication equipment 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 2016 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 35<sup>th</sup> 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.

State and local implementation grant program – federal fund.....No limit  
 Military honors funeral fund.....No limit  
*Provided*, That the adjutant general is hereby authorized to accept gifts and donations of money during fiscal year 2016 for military funeral honors or purposes related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military honors funeral fund.

(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 or funds for fiscal year 2016 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2015 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 or funds for fiscal year 2016, 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 2016 made by this or other appropriation act of the 2015 regular session of the legislature.

(d) On July 1, 2015, 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.

Sec. 147.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

- Operating expenditures.....\$5,180,295  
*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,250.
- Incident management team.....\$15,554  
*Provided*, That any unencumbered balance in the incident management team account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.
- Civil air patrol – operating expenditures.....\$40,859
- Military activation payments.....\$6,000  
*Provided*, That any unencumbered balance in the military activation payments account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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. 2014 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, 2016, in each of the following accounts is hereby reappropriated for fiscal year 2017: 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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund.....No limit

*Provided*, That the adjutant general is hereby authorized to fix, charge and collect fees agreed upon in memorandums of understanding with 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 under the provisions of the memorandums of understanding with other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*; That all fees received pursuant to such memorandums of understanding shall be deposited 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.

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

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 grants – public assistance federal fund.....No limit

National guard military operations/maintenance federal fund .....No limit

Econ adjustment/military installation federal fund.....No limit

Disaster assistance to individual/household federal fund.....No limit

Interoperability communication equipment 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 2017 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 35<sup>th</sup> 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.

State and local implementation grant program – federal fund.....No limit  
Military honors funeral fund.....No limit

*Provided*, That the adjutant general is hereby authorized to accept gifts and donations of money during fiscal year 2017 for military funeral honors or purposes related thereto: *Provided further*; That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military honors funeral fund.

(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 or funds for fiscal year 2017 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2015 or 2016 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 or funds for fiscal year 2017, 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 2017 made by this or other appropriation act of the 2015 or 2016 regular session of the legislature.

(d) On July 1, 2016, 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.

Sec. 148.

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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.....\$4,503,821  
*Provided*, That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$1,000: *Provided further*, That, if 2015 House Bill No. 2097, or any other legislation which provides for duties of the state fire marshal concerning search and rescue and hazardous material response, is not passed by the legislature during the 2015 regular session of the legislature and enacted into law, then, on July 1, 2015, the expenditure limitation for the above agency for the fiscal year ending June 30, 2016, by this section on the fire marshal fee fund is hereby decreased from \$4,503,821 to \$4,303,821.

Boiler inspection fee fund.....No limit  
 Gifts, grants and donations fund.....No limit  
 Intragovernmental service fund.....No limit  
 Explosives regulatory and training fund.....No limit  
 State fire marshal liquefied petroleum gas fee fund.....\$60,213  
 Emergency response fund.....No limit

*Provided*, That expenditures may be made by the state fire marshal from the emergency response fund for fiscal year 2016 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 emergency response fund during fiscal year 2016 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  
 FFY12 HMEP grant – federal fund.....No limit  
 Contract inspections fund.....No limit

(b) On July 1, 2015, and January 1, 2016, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$500,000 from the fire marshal fee fund of the state fire marshal to the state general fund.

(c) During the fiscal year ending June 30, 2016, 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 emergency response 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 and the director of the budget. *Provided*, That the aggregate amount of such transfers for the fiscal year ending June 30, 2016, shall not exceed \$500,000.

(d) During the fiscal year ending June 30, 2016, 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 2016, 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 2016 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2016 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 emergency response 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 2016 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, 2016, 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 2016, 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 2016 are insufficient to meet in full the estimated expenditures for fiscal year 2016 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 2016: *Provided*, That the aggregate amount of such transfers during fiscal year 2016 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 2016, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(f) On July 1, 2015, the director of accounts and reports shall transfer all moneys in the hazardous material program fund of the state fire marshal to the fire marshal fee fund of the state fire marshal. On July 1, 2015, all liabilities of the hazardous material

program fund are hereby transferred to and imposed on the fire marshal fee fund and the hazardous material program fund is hereby abolished.

Sec. 149.

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Fire marshal fee fund.....\$4,577,735  
*Provided*, That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$1,000: *Provided further*, That, if 2015 House Bill No. 2097, or any other legislation which provides for duties of the state fire marshal concerning search and rescue and hazardous material response, is not passed by the legislature during the 2015 or 2016 regular session of the legislature and enacted into law, then, on July 1, 2016, the expenditure limitation for the above agency for the fiscal year ending June 30, 2017, by this section on the fire marshal fee fund is hereby decreased from \$4,577,735 to \$4,327,735.

Boiler inspection fee fund.....No limit  
 Gifts, grants and donations fund.....No limit  
 Intragovernmental service fund.....No limit  
 Explosives regulatory and training fund.....No limit  
 State fire marshal liquefied petroleum gas fee fund.....\$62,461  
 Emergency response fund.....No limit

*Provided*, That expenditures may be made by the state fire marshal from the emergency response fund for fiscal year 2017 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 emergency response fund during fiscal year 2017 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  
 FFY12 HMEP grant – federal fund.....No limit  
 Contract inspections fund.....No limit

(b) On July 1, 2016, and January 1, 2017, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$500,000 from the fire marshal fee fund of the state fire marshal to the state general fund.

(c) During the fiscal year ending June 30, 2017, 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 emergency response 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 and the director of the budget. *Provided*, That the aggregate amount of such transfers for the fiscal year ending June 30, 2017, shall not exceed \$500,000.

(d) During the fiscal year ending June 30, 2017, 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 2017, 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 2017 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2017 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 emergency response 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 2017 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, 2017, 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 2017, 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 2017 are insufficient to meet in full the estimated expenditures for fiscal year 2017 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 2017: *Provided*, That the aggregate amount of such transfers during fiscal year 2017 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 2017, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 150.

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, 2016, all moneys now or hereafter 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  
*Provided*, That, notwithstanding the provisions of K.S.A. 60-4117, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2016, expenditures may be made from the Kansas highway patrol state forfeiture fund for salaries and wages, and associated fringe benefits of non-supervisory personnel.

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.....\$52,358,422

*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 10<sup>th</sup> of each month during the fiscal year ending June 30, 2016, 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, 2015, and January 1, 2016, 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, 2015, October 1, 2015, January 1, 2016, and April 1, 2016, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$13,641,127.75 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund of the Kansas highway patrol for the purpose of financing the Kansas highway patrol operations. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2016 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 2016 for support and maintenance of the Kansas highway patrol.

(e) On July 1, 2015, 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, 2015, 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, 2015, and January 1, 2016, 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.

(h) On July 1, 2015, and January 1, 2016, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,103,044.50 from the Kansas highway patrol operations fund of the Kansas highway patrol to the state general fund.

Sec. 151.

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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  
*Provided*, That, notwithstanding the provisions of K.S.A. 60-4117, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2017, expenditures may be made from the Kansas highway patrol state forfeiture fund for salaries and wages, and associated fringe benefits of non-supervisory personnel.
- 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 P 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
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*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
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*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.....	\$53,556,923
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*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 10<sup>th</sup> of each month during the fiscal year ending June 30, 2017, 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, 2016, and January 1, 2017, 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, 2016, October 1, 2016, January 1, 2017, and April 1, 2017, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$13,954,678.50 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 2017 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 2017 for support and maintenance of the Kansas highway patrol.

(e) On July 1, 2016, 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, 2016, 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, 2016, and January 1, 2017, 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.

(h) On July 1, 2016, and January 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,130,895.50 from the Kansas highway patrol operations fund of the Kansas highway patrol to the state general fund.

(i) Notwithstanding the provisions of K.S.A. 60-4117, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2018, expenditures may be made from the Kansas highway patrol state forfeiture fund for salaries and wages, and associated fringe benefits.

Sec. 152.

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, 2016, the following:

Operating expenditures.....\$18,230,621

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated to the operating expenditures account for fiscal year 2016: *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, 2015, is hereby reappropriated for fiscal year 2016: *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, 2016, all moneys now or hereafter 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.....No limit

*Provided*, That in addition to the other purposes for which expenditures may be made from the criminal justice information system line fund pursuant to K.S.A. 74-5707, and amendments thereto, expenditures may be made from the criminal justice information system line fund for salaries and wages, contractual services, commodities and capital outlay for the maintenance and support of the Kansas criminal justice information system.

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
Bulletproof vest partnership – federal fund.....	No limit
Uninterrupted power source replacement fund.....	No limit

(c) During the fiscal year ending June 30, 2016, 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 2016 made by this act or other appropriation act of the 2015 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 2016 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. 153.

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, 2017, the following:

Operating expenditures.....\$18,638,929

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated to the operating expenditures account for fiscal year 2017: *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, 2016, is hereby reappropriated for fiscal year 2017: *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, 2017, all moneys now or hereafter

lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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.....No limit

*Provided*, That in addition to the other purposes for which expenditures may be made from the criminal justice information system line fund pursuant to K.S.A. 74-5707, and amendments thereto, expenditures may be made from the criminal justice information system line fund for salaries and wages, contractual services, commodities and capital outlay for the maintenance and support of the Kansas criminal justice information system.

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
Bulletproof vest partnership – federal fund.....	No limit
Uninterrupted power source replacement fund.....	No limit

(c) During the fiscal year ending June 30, 2017, 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 2017 made by this act or other appropriation act of the 2015 or 2016 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 2017 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. 154.

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, 2016, all moneys now or hereafter 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.....	\$1,322,955

*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, 2016.

National bioterrorism hospital preparedness – federal fund.....No limit  
Highway safety – federal fund.....No limit  
NHTSA evidence-based guideline project – 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 2016 by this or other appropriation act of the 2015 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 2016 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 2016, as authorized by this or any other appropriation act of the 2015 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 2016 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, 2015, and January 1, 2016, 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, 2016, 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 2016, 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 2016 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2016 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 2016 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, 2016, if any EMS regional council enters into a grant agreement with the emergency medical services 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, 2016.

(g) 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 2016, as authorized by this or any other appropriation act of the 2015 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 2016 to require the emergency medical services board to conduct an analysis and evaluation of state law and county regulations as to the current and future utilization of licensed health care professionals to provide emergency health care services on

ambulances: *Provided*, That such analysis and evaluation shall include a cost analysis: *Provided further*, That the board shall report findings from the analysis and evaluation including the current utilization of licensed health care professionals other than the certified EMS attendants to staff ambulances, to the house committee on appropriations prior to the first day of the 2016 legislative session.

Sec. 155.

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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.....\$1,349,331

*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, 2017.

- National bioterrorism hospital preparedness – federal fund.....No limit
- Highway safety – federal fund.....No limit
- NHTSA evidence-based guideline project – 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 2017 by this or other appropriation act of the 2015 or 2016 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 2017 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 2017, as authorized by this or any other appropriation act of the 2015 or 2016 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 2017 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, 2016, and January 1, 2017, 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, 2017, 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 2017, 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 2017 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2017 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 2017 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, 2017, if any EMS regional council enters into a grant agreement with the emergency medical services 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, 2017.

Sec. 156.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Operating expenditures.....\$835,773

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$900.

Substance abuse treatment programs.....\$6,568,686

*Provided*, That any unencumbered balance in the substance abuse treatment programs account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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. 157.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures.....\$896,404

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$900.

Substance abuse treatment programs.....\$6,499,506

*Provided*, That any unencumbered balance in the substance abuse treatment programs account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- General fees fund.....No limit
  - Statistical analysis – federal fund.....No limit
  - Drug abuse fund – federal.....No limit
- Sec. 158.

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, 2016, all moneys now or hereafter 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.....\$580,116

*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. 159.

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Kansas commission on peace officers' standards and training fund.....\$593,985

*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. 160.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

- Operating expenditures.....\$9,187,072

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated to the operating expenditures account for fiscal year 2016: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$10,000.

Wheat genetics research.....\$160,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter 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. 2014 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.....\$0
- 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.

- 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
- 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
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: <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
Land reclamation fee 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: <i>And provided further</i> , That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2016 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, 2016.	
Animal disease control fund .....	No limit
<i>Provided</i> , That expenditures from the animal disease control fund for official hospitality shall not exceed \$450.	
Market protection promotion – federal fund.....	No limit
Health and human services retail food audit – 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  
 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  
 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  
 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 director of accounts and reports shall transfer an amount or amounts specified by the secretary of agriculture from any special revenue fund or funds of the department of agriculture, which have available moneys, to the general fee fund: *And provided further*, That the director of accounts and reports shall transmit a copy of such transfer request to the director of legislative research.

Lodging fee fund.....No limit  
 Watershed protect approach/WTR RSRCE MGT fund.....No limit  
 NRCS contribution agreement farm bill – federal 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 2016, 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  
*Provided*, That expenditures may be made from the laboratory testing services fee fund for administrative operating expenditures of the agriculture laboratory of the Kansas department of agriculture: *Provided further*, That the director of accounts and reports shall transfer an amount or amounts specified by the secretary of agriculture from any special revenue fund or funds of the department of agriculture, which have available moneys, to the laboratory testing services fee fund: *And provided further*, That the director of accounts and reports shall transmit a copy of such transfer request to the director of legislative research.

Arkansas river gaging fund.....No limit  
 Veterinary examiners fee fund.....\$379,072

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2016, 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, 2015, is hereby reappropriated for fiscal year 2016: *Provided further*, That the initial allocation for grants to conservation districts for fiscal year 2016 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 2016 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, 2015, is hereby reappropriated for fiscal year 2016.

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, 2015, is hereby reappropriated for fiscal year 2016.

Watershed dam construction.....\$576,434

*Provided*, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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, 2015, is hereby reappropriated for fiscal year 2016.

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, 2015, is hereby reappropriated for fiscal year 2016: *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 2016 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, 2015, is hereby reappropriated for fiscal year 2016.

Basin management.....\$719,766  
*Provided*, That any unencumbered balance in the basin management account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Water use.....\$54,077  
*Provided*, That any unencumbered balance in the water use account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Interstate water issues.....\$441,678  
*Provided*, That any unencumbered balance in the interstate water issues account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Conservation reserve enhancement program.....\$446,040  
*Provided*, That any unencumbered balance in the conservation reserve enhancement program account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided further*, That, in addition, fiscal year 2016 expenditures, from the 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 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 nine fiscal years 2008 through 2016 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, cellululosic 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 except that the last eligible enrollment offer to exceed the number of acres constituting a 25% acreage cap in any one county

shall be approved; (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 within the most recent five-year period preceding offer submission for which irrigation water use reports are approved and made available by the division of water resources of the Kansas department of agriculture; (B) the water rights used for the acreage in CREP shall not have exceeded the maximum annual quantity authorized to be diverted during the most recent five-year period preceding offer submission for which irrigation water use reports are approved and made available by the division of water resources and shall not have been the subject of enforcement sanctions by the division of water resources during the most recent five-year period preceding offer submission for which irrigation water use reports are approved and made available by the division of water resources; 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 2016 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 through fiscal year 2016, to date, (ii) the acreage enrolled in CREP during fiscal year 2008 through fiscal year 2016, to date, (iii) the dollar amounts received and expended for CREP during fiscal year 2008 through fiscal year 2016, to date, (iv) the economic impact of the CREP, (v) the change in groundwater levels in the CREP area during fiscal year 2008 through fiscal year 2016, to date, (vi) the annual amount of water usage in the CREP area during fiscal year 2008 through fiscal year 2016, 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, 2016, 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 2016 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2016 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, 2015, 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, 2016, the following:

Agriculture marketing program.....\$561,160

*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) During the fiscal year ending June 30, 2016, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 as authorized by this act or other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 to prepare a zero based budget for the department of agriculture that includes fiscal year 2014 and fiscal year 2015 actual expenditures and projected expenditures for fiscal year 2016 and fiscal year 2017 detailed by each program; *Provided*: That performance measures shall be included for each program based on the zero based budget: *Provided further*; That the proposed zero based budget shall be submitted to the house appropriations committee and the senate ways and means committee prior to January 29, 2016.

Sec. 161.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures.....\$9,584,968

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated to the operating expenditures account for fiscal year 2017: *Provided further*; That expenditures from this account for official hospitality shall not exceed \$10,000.

Wheat genetics research.....\$160,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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. 2014 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.....\$0
- 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.

- 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
- 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
- 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

*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: *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  
 Land reclamation fee 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 fund.....No 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: *And provided further*, That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2017 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, 2017.

Animal disease control fund.....No limit  
*Provided*, That expenditures from the animal disease control fund for official hospitality shall not exceed \$450.

Market protection promotion – federal fund.....No limit  
 Health and human services retail food audit – 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
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
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
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 director of accounts and reports shall transfer an amount or amounts specified by the secretary of agriculture from any special revenue fund or funds of the department of agriculture, which have available moneys, to the general fee fund: *And provided further*, That the director of accounts and reports shall transmit a copy of such transfer request to the director of legislative research.

Lodging fee fund.....No limit

Watershed protect approach/WTR RSRCE MGT fund.....No limit

NRCS contribution agreement farm bill – federal 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 2017, 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

*Provided*, That expenditures may be made from the laboratory testing services fee fund for administrative operating expenditures of the agriculture laboratory of the Kansas department of agriculture: *Provided further*, That the director of accounts and reports shall transfer an amount or amounts specified by the secretary of agriculture

from any special revenue fund or funds of the department of agriculture, which have available moneys, to the laboratory testing services fee fund: *And provided further*; That the director of accounts and reports shall transmit a copy of such transfer request to the director of legislative research.

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, 2017, 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, 2016, is hereby reappropriated for fiscal year 2017: *Provided further*; That the initial allocation for grants to conservation districts for fiscal year 2017 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 2017 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, 2016, is hereby reappropriated for fiscal year 2017.

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, 2016, is hereby reappropriated for fiscal year 2017.

Watershed dam construction.....\$576,434

*Provided*, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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, 2016, is hereby reappropriated for fiscal year 2017.

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, 2016, is hereby reappropriated for fiscal year 2017: *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 2017 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, 2016, is hereby reappropriated for fiscal year 2017.

Basin management.....\$613,195  
*Provided*, That any unencumbered balance in the basin management account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Water use.....\$53,355  
*Provided*, That any unencumbered balance in the water use account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Interstate water issues.....\$438,753

*Provided*, That any unencumbered balance in the interstate water issues account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

(d) During the fiscal year ending June 30, 2017, 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 2017 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2017 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, 2016, 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, 2017, the following:

Agriculture marketing program.....\$1,055,627

*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.

Sec. 162.

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, 2016, 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  
Sec. 163.

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and 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
- Sec. 164.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

- Water resources operating expenditures.....\$1,120,864
- Provided*, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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, 2016, 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 2016, 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, 2015, 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, 2016, for the state water plan project or projects specified, the following:

Assessment and evaluation.....	\$570,725
<i>Provided</i> , That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.	
GIS data base development.....	\$112,306
<i>Provided</i> , That any unencumbered balance in the GIS data base development account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.	
MOU – storage operations and maintenance.....	\$289,889
<i>Provided</i> , That any unencumbered balance in the MOU – storage operations and maintenance account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.	
Stream gaging.....	\$431,282
<i>Provided</i> , That any unencumbered balance in the stream gaging account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.	
Technical assistance to water users.....	\$364,238
<i>Provided</i> , That any unencumbered balance in the technical assistance to water users account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year	

2016.

Streambank stabilization.....\$400,000

Any unencumbered balance in the John Redmond reservoir bonds account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(d) During the fiscal year ending June 30, 2016, 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 2016 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2016 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, 2016, 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, 2016, 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, 2016, 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, 2016, 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, 2016, 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 2016 by this or other appropriation act of the 2015 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 2016, 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.

(i) Notwithstanding the provisions of K.S.A. 82a-1315c, and amendments thereto, or any other statute, on July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$186,148 from the water marketing fund of the Kansas water office to the state general fund.

(j) Notwithstanding the provisions of K.S.A. 82a-951, and amendments thereto, or any other statute, on July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,488,452 from the John Redmond reservoir bond account of the state water plan fund of the Kansas water office to the state general fund.

Sec. 165.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Water resources operating expenditures.....\$1,160,307

*Provided*, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017: *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, 2017, 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 2017, 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, 2016, 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, 2017, for the state water plan project or projects specified, the following:

Assessment and evaluation.....	\$510,725
<i>Provided</i> , That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.	
GIS data base development.....	\$112,306
<i>Provided</i> , That any unencumbered balance in the GIS data base development account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.	
MOU – storage operations and maintenance.....	\$289,889
<i>Provided</i> , That any unencumbered balance in the MOU – storage operations and maintenance account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.	
Stream gaging.....	\$431,282
<i>Provided</i> , That any unencumbered balance in the stream gaging account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.	
Technical assistance to water users.....	\$364,238
<i>Provided</i> , That any unencumbered balance in the technical assistance to water users account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.	
John Redmond reservoir bonds.....	\$916,550
<i>Provided</i> , That any unencumbered balance in the John Redmond reservoir bonds account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.	
Streambank stabilization.....	\$400,000
<i>Provided</i> , That any unencumbered balance in the streambank stabilization account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.	
(d) During the fiscal year ending June 30, 2017, 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 2017 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2017 from the state water plan fund for the Kansas water office: <i>Provided</i> , 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, 2017, 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, 2017, 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, 2017, 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, 2017, 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, 2017, 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 2017 by this or other appropriation act of the 2015 or 2016 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 2017, 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.

(i) Notwithstanding the provisions of K.S.A. 82a-1315c, and amendments thereto, or any other statute, on July 1, 2016, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$756,450 from the water marketing fund of the Kansas water office to the state general fund.

(j) Notwithstanding the provisions of K.S.A. 82a-951, and amendments thereto, or any other statute, on July 1, 2016, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$916,550 from the John Redmond reservoir bond account of the state water plan fund of the Kansas water office to the state general fund.

Sec. 166.

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, 2016, the following:

Operating expenditures.....\$1,747,632

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *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 2016, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2016 to include a provision on the calendar year 2016 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.....\$1,639,317

*Provided*, That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Travel and tourism operating expenditures.....\$1,708,086

*Provided*, That expenditures from the travel and tourism operating expenditures fund for official hospitality shall not exceed \$4,000.

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, 2015, is hereby reappropriated for fiscal year 2016: *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 2016 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, 2015, is hereby reappropriated for fiscal year 2016: *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 2016 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, 2015, is hereby reappropriated for fiscal year 2016: *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 2016 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, 2016, all moneys now or hereafter 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.....\$23,666,278

*Provided*, That additional expenditures may be made from the wildlife fee fund for fiscal year 2016 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 2016: *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 the wildlife fee fund for official hospitality shall not exceed \$2,000.

Parks fee fund.....\$7,287,168

*Provided*, That additional expenditures may be made from the parks fee fund for fiscal year 2016 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 2016: *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.....\$1,268,001

*Provided*, That additional expenditures may be made from the boating fee fund for fiscal year 2016 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 2016: *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 \$2,000.

Central aircraft fund.....No limit

*Provided*, That expenditures may be made by the above agency from the central aircraft fund for aircraft operating expenditures, for aircraft maintenance and repair, to provide aircraft services to other state agencies, and for the purchase of state aircraft insurance: *Provided further*, That the secretary of wildlife, parks and tourism is hereby authorized to fix, charge and collect fees for the provision of aircraft services to other state agencies: *And provided further*, That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*, That all fees received for such services shall be credited to the central aircraft fund.

Department access roads fund.....\$1,617,268

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 2016, 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 2016: *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

(c) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the central aircraft fund of the Kansas department of wildlife, parks and tourism to the state general fund.

(d) On July 1, 2015, or as soon thereafter as moneys are available, the director of

accounts and reports shall transfer \$25,000 from the prairie spirit rails-to-trails fee fund of the Kansas department of wildlife, parks and tourism to the state general fund.

(e) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$250,000 from the department access roads fund of the Kansas department of wildlife, parks and tourism to the state general fund.

Sec. 167.

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, 2017, the following:

Operating expenditures.....\$1,755,492

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017:

*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 2017, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2017 to include a provision on the calendar year 2017 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.....\$1,626,371

*Provided*, That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Travel and tourism operating expenditures.....\$1,681,573

*Provided*, That expenditures from the travel and tourism operating expenditures fund for official hospitality shall not exceed \$4,000.

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, 2016, is hereby reappropriated for fiscal year 2017: *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 2017 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, 2016, is hereby reappropriated for fiscal year 2017: *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 2017 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, 2016, is hereby reappropriated for fiscal year 2017: *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 2017 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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund.....\$24,221,459

*Provided*, That additional expenditures may be made from the wildlife fee fund for fiscal year 2017 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 2017: *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 the wildlife fee fund for official hospitality shall not exceed \$2,000.

Parks fee fund.....\$7,798,549

*Provided*, That additional expenditures may be made from the parks fee fund for fiscal year 2017 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 2017: *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.....\$1,321,998

*Provided*, That additional expenditures may be made from the boating fee fund for fiscal year 2017 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 2017: *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 \$2,000.

Central aircraft fund.....No limit

*Provided*, That expenditures may be made by the above agency from the central aircraft fund for aircraft operating expenditures, for aircraft maintenance and repair, to provide aircraft services to other state agencies, and for the purchase of state aircraft insurance: *Provided further*, That the secretary of wildlife, parks and tourism is hereby authorized to fix, charge and collect fees for the provision of aircraft services to other state agencies: *And provided further*, That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*, That all fees received for such services shall be credited to the central aircraft fund.

Department access roads fund.....\$1,604,247

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 2017, 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 2017: *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. 168.

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, 2016, 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.....\$0  
 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, 2016, 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, 2016, from the state highway fund for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2016, other than refunds authorized by law for the following specified purposes, shall not exceed the limitations prescribed therefor as follows:

Agency operations.....\$249,614,990

*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  
Claims .....No limit  
Payments for city connecting links.....\$3,360,000  
Federal local aid programs.....No limit  
Bond services fees.....No limit  
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 2016, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings – rehabilitation and repair .....\$2,832,239  
Buildings – reroofing.....\$563,684  
Buildings – other construction, renovation and repair.....\$2,228,054

(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 2016, expenditures may be made by the above agency from the state highway fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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 2016 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2015, 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 2016.

(d) During the fiscal year ending June 30, 2016, 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 2016 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 2016 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, 2016, 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, 2016, 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, 2016, 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 2016.

(h) For the fiscal year ending June 30, 2016, 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, 2015, October 1, 2015, January 1, 2016, and April 1, 2016, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$32,330,902.75 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 2016 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 2016.

Sec. 169.

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, 2017, 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.....	\$0
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, 2017, 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
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*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, 2017, from the state highway fund for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2017, other than refunds authorized by law for the following specified purposes, shall not exceed the limitations prescribed therefor as follows:

Agency operations.....	\$256,601,308
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*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
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*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
Claims .....	No limit
Payments for city connecting links.....	\$3,360,000
Federal local aid programs.....	No limit
Bond services fees.....	No limit
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 2017, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings – rehabilitation and repair .....	\$2,911,647
Buildings – reroofing.....	\$532,570
Buildings – other construction, renovation and repair.....	\$2,290,522

(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 2017, expenditures may be made by the above agency from the state highway fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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 2017 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2016, 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 2017.

(d) During the fiscal year ending June 30, 2017, 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 2017 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 2017 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, 2017, 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, 2017, 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, 2017, 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 2017.

(h) For the fiscal year ending June 30, 2017, 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, 2016, October 1, 2016, January 1, 2017, and April 1, 2017, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$32,692,667.25 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 2017 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 2017.

Sec. 170. (a) During the fiscal year ending June 30, 2015, the director of the budget may transfer any part of any item of appropriation for an information technology project in any cabinet agency account of the state general fund appropriated for fiscal year 2015 for such cabinet agency to another item of appropriation for an information technology project in any other cabinet agency account of the state general fund appropriated for fiscal year 2015 for such other cabinet agency. The director of the budget shall certify each such amount transferred, and shall transmit a copy of such certification to the director of legislative research.

(b) During the fiscal year ending June 30, 2016, the director of the budget may transfer any part of any item of appropriation for an information technology project in any cabinet agency account of the state general fund appropriated for fiscal year 2016 for such cabinet agency to another item of appropriation for an information technology project in any other cabinet agency account of the state general fund appropriated for fiscal year 2016 for such other cabinet agency. The director of the budget shall certify each such amount transferred, and shall transmit a copy of such certification to the director of legislative research.

(c) During the fiscal year ending June 30, 2017, the director of the budget may transfer any part of any item of appropriation for an information technology project in any cabinet agency account of the state general fund appropriated for fiscal year 2017 for such cabinet agency to another item of appropriation for an information technology

project in any other cabinet agency account of the state general fund appropriated for fiscal year 2017 for such other cabinet agency. The director of the budget shall certify each such amount transferred, and shall transmit a copy of such certification to the director of legislative research.

(d) As used in this section, "cabinet agency" means (1) the department of administration, (2) the department of revenue, (3) the department of commerce, (4) the department of labor, (5) the department of health and environment, (6) the Kansas department for aging and disability services, (7) the Kansas department for children and families, (8) the department of corrections, (9) the adjutant general, (10) the Kansas highway patrol, (11) the Kansas department of agriculture, (12) the Kansas department of wildlife, parks and tourism, and (13) the department of transportation.

Sec. 171. (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, 2016, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2016 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 2016 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 27, 2016, which is chargeable to fiscal year 2016 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 2016, 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 2016.

Sec. 172. (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, 2017, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2017 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 2017 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 26, 2017, which is chargeable to fiscal year 2017 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 2017, 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 2017.

Sec. 173. (a) On June 30, 2016, notwithstanding the provisions of K.S.A. 2014 Supp. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the expanded lottery act revenues fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the expanded lottery act revenues fund to the state general fund as prescribed by law.

(b) On June 30, 2016, the director of accounts and reports shall determine and notify the director of the budget, if the amount of revenue collected in the expanded lottery act revenues fund for the fiscal year ending June 30, 2016, 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, 2016, 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, 2016. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the expanded lottery act revenues fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the director of the budget transmits this certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 174. (a) On June 30, 2017, notwithstanding the provisions of K.S.A. 2014 Supp. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the expanded lottery act revenues fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the expanded lottery act revenues fund to the state general fund as prescribed by law.

(b) On June 30, 2017, the director of accounts and reports shall determine and notify the director of the budget, if the amount of revenue collected in the expanded lottery act revenues fund for the fiscal year ending June 30, 2017, 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, 2017, 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, 2017. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the expanded lottery act revenues fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the

director of the budget transmits this certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 175. (a) During the fiscal year ending June 30, 2016, in addition to the other purposes for which expenditures may be made by the secretary for children and families, from moneys appropriated from the state general fund or any special revenue fund or funds for the Kansas department for children and families for fiscal year 2016 by this act or any other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the secretary for children and families from the state general fund or from any special revenue fund or funds for fiscal year 2016, for the secretary, on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Neosho county, Kansas, subject to the provisions of this section:

The South Half of the Southeast Quarter (S/2 SE/4) of Section Nineteen (19), Township Twenty-seven (27) South, Range Eighteen (18) East of the 6th P.M., excepting therefrom five (5) tracts of land described as follows:

a. The North Ten (10) acres of the Southeast Quarter of this Southeast Quarter (SE/4 SE/4) of said section Nineteen (19);

b. Beginning at a point on Plummer Avenue, 330 feet south of the northeast corner of the South Half of the Southeast Quarter (S/2 (SE/4) of said Section Nineteen (19), thence west parallel with the north line of said eighty, 1320 feet; thence south 330 feet on a line parallel with the east line of said eighty; thence east 1320 feet on a line parallel with the north line of said eighty; thence north along said east line to the point of beginning, containing 10 acres;

c. Beginning at a point 495 feet north of the southeast corner of said Section Nineteen (19), thence north 165 feet to the southeast corner of 10-acre tract previously sold to Guy Umbarger; thence west along the south line of said Umbarger 10-acre tract, 792 feet; thence south on a line parallel to the east line, 165 feet; thence east on a line parallel to said Umbarger tract to point of beginning, containing approximately 3 acres;

d. Beginning at the southeast corner of said Section Nineteen (19), thence west along the south line of said section 690 feet; thence northerly 445 feet; thence easterly 690 feet to a point on the east line of said section, 445 feet north of the southeast corner of said section; thence south along said east line 445 feet to the point of beginning. The above includes 30 feet of road right-of-way along the south side used for Seventh Street and 30 feet of road right-of-way along the east side used for Plummer Avenue. Including the road rights-of-way, the above includes 7.05 acres, more or less; and

e. Beginning at a point 30 feet north of and 690 feet west of the southeast corner of the Southeast Quarter (SE/4) of said Section Nineteen (19); thence west along right-of-way line of present road, 1950 feet, more or less, to the west line of said Southeast Quarter (SE/4); thence north along the west line of said Southeast Quarter (SE/4), 10 feet; thence east parallel to and 10 feet north of the present right-of-way, 1950 feet, more or less, to a point 690 feet west of and 40 feet north of the southeast corner of said Southeast Quarter (SE/4); thence south 10 feet to the point of beginning, containing .44 acres, more or less, condemned for highway purposes.

(b) The real property described in subsection (a) shall be sold or conveyed to the Neosho memorial regional medical center, at the appraised value.

(c) No sale or conveyance of the real property described in subsection (a) shall be

authorized or approved by the secretary for children and families without having first advised and consulted with the joint committee on state building construction.

(d) Prior to the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(e) When the sale is made, the proceeds thereof shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the appropriate account of the state general fund or special revenue fund of the Kansas department for children and families as determined by the secretary for children and families. The secretary for children and families shall transmit a copy of such determination to the director of legislative research.

(f) The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 2014 Supp. 75-6609, and amendments thereto.

(g) In the event that the secretary for children and families determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

Sec. 176. On June 30, 2016, the director of accounts and reports shall determine and notify the director of the budget, if the amount of revenue collected in the Kansas endowment for youth fund or children's initiatives fund for the fiscal year ending June 30, 2016, is insufficient to fund the appropriations and transfers that are authorized from the Kansas endowment for youth fund or children's initiatives fund for the fiscal year ending June 30, 2016, 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 Kansas endowment for youth fund and children's initiatives fund in order to fund all such appropriations and transfers that are authorized from the Kansas endowment for youth fund and children's initiatives fund for the fiscal year ending June 30, 2016. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the Kansas endowment for youth fund or children's initiatives fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the director of the budget transmits this certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 177. On June 30, 2017, the director of accounts and reports shall determine and notify the director of the budget, if the amount of revenue collected in the Kansas endowment for youth fund or children's initiatives fund for the fiscal year ending June 30, 2017, is insufficient to fund the appropriations and transfers that are authorized from the Kansas endowment for youth fund or children's initiatives fund for the fiscal year ending June 30, 2017, 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 Kansas endowment for

youth fund and children's initiatives fund in order to fund all such appropriations and transfers that are authorized from the Kansas endowment for youth fund and children's initiatives fund for the fiscal year ending June 30, 2017. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the Kansas endowment for youth fund or children's initiatives fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the director of the budget transmits this certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 178. (a) On the effective date of this act, during the fiscal year ending June 30, 2015, notwithstanding the provisions of K.S.A. 82a-1802, and amendments thereto, or any other statute, of all the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, the state treasurer is hereby authorized and directed to credit the first \$2,000,000 received and deposited in the state treasury to the interstate water litigation fund of the attorney general: *Provided*, That, after such aggregate amount has been credited to the interstate water litigation fund of the attorney general, then all of the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, during fiscal year 2015 shall be credited to the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *Provided further*, That, notwithstanding the provisions of any statute, the director of the Kansas water office, in consultation with the local stakeholders in the basin, the chief engineer and the secretary of agriculture, shall expend such moneys in the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office for water improvement projects in the Republican river basin as described in K.S.A. 2014 Supp. 82a-1804(g), and amendments thereto: *Provided, however*, That, if moneys have been received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, and the state treasurer has credited the money pursuant to K.S.A. 82a-1802, and amendments thereto, the director of accounts and reports shall transfer the amount of money which exceeds \$2,000,000 from the interstate water litigation fund of the attorney general to the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *And provided further*, That the director of accounts and reports shall transmit a copy of such transfer to the director of legislative research and the director of the budget.

(b) On July 1, 2015, during the fiscal year ending June 30, 2016, notwithstanding the provisions of K.S.A. 82a-1802, and amendments thereto, or any other statute, of all the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, the state treasurer is hereby authorized and directed to credit the first \$2,000,000, including any moneys credited in fiscal year 2015, received and deposited in the state treasury to the interstate water litigation fund of the attorney general: *Provided*, That, after such aggregate amount has been credited to the interstate water litigation fund of the attorney general, then all of the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, during fiscal year 2016 shall be credited to the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *Provided further*, That,

notwithstanding the provisions of any statute, the director of the Kansas water office, in consultation with the local stakeholders in the basin, the chief engineer and the secretary of agriculture, shall expend such moneys in the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office for water improvement projects in the Republican river basin as described in K.S.A. 2014 Supp. 82a-1804(g), and amendments thereto: *Provided, however*, That, if moneys have been received from the state of Nebraska under the case of Kansas v. Nebraska, No. 126, Original in the Supreme Court of the United States, and the state treasurer has credited the money pursuant to K.S.A. 82a-1802, and amendments thereto, the director of accounts and reports shall transfer the amount of money which exceeds \$2,000,000 from the interstate water litigation fund of the attorney general to the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *And provided further*, That the director of accounts and reports shall transmit a copy of such transfer to the director of legislative research and the director of the budget.

(c) On July 1, 2016, during the fiscal year ending June 30, 2017, notwithstanding the provisions of K.S.A. 82a-1802, and amendments thereto, or any other statute, of all the moneys received from the state of Nebraska under the case of Kansas v. Nebraska, No. 126, Original in the Supreme Court of the United States, the state treasurer is hereby authorized and directed to credit the first \$2,000,000, including any moneys credited in fiscal years 2015 and 2016, received and deposited in the state treasury to the interstate water litigation fund of the attorney general: *Provided*, That, after such aggregate amount has been credited to the interstate water litigation fund of the attorney general, then all of the moneys received from the state of Nebraska under the case of Kansas v. Nebraska, No. 126, Original in the Supreme Court of the United States, during fiscal year 2017 shall be credited to the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *Provided further*, That, notwithstanding the provisions of any statute, the director of the Kansas water office, in consultation with the local stakeholders in the basin, the chief engineer and the secretary of agriculture, shall expend such moneys in the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office for water improvement projects in the Republican river basin as described in K.S.A. 2014 Supp. 82a-1804(g), and amendments thereto: *Provided, however*, That, if moneys have been received from the state of Nebraska under the case of Kansas v. Nebraska, No. 126, Original in the Supreme Court of the United States, and the state treasurer has credited the money pursuant to K.S.A. 82a-1802, and amendments thereto, the director of accounts and reports shall transfer the amount of money which exceeds \$2,000,000 from the interstate water litigation fund of the attorney general to the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *And provided further*, That the director of accounts and reports shall transmit a copy of such transfer to the director of legislative research and the director of the budget.

Sec. 179. (a) Notwithstanding the provisions of K.S.A. 76-719 and 76-817, and amendments thereto, or any other statute, no moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 for the state board of regents or any state educational institution as authorized by this or other appropriation act of the 2015 or 2016 regular session of the legislature, shall be expended by the state board of regents or any state educational institution from moneys appropriated from the state general fund or from any special revenue fund or funds for

fiscal year 2016 to increase tuition for fiscal year 2016 above the amount of such tuition that was fixed and collected in fiscal year 2015 adjusted by the percentage increase in the consumer price index over the previous calendar year plus 2%.

(b) Notwithstanding the provisions of K.S.A. 76-719 and 76-817, and amendments thereto, or any other statute, no moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 for the state board of regents or any state educational institution as authorized by this or other appropriation act of the 2015 or 2016 regular session of the legislature, shall be expended by the state board of regents or any state educational institution from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 to increase tuition for fiscal year 2017 above the amount of such tuition that was fixed and collected in fiscal year 2016 adjusted by the percentage increase in the consumer price index over the previous calendar year plus 2%.

(c) As used in this section:

(1) "State educational institution" includes each state educational institution as defined in K.S.A. 76-711, and amendments thereto, that charges more than \$2,000 in tuition rates to a resident, full-time, per semester undergraduate student.

(2) "Consumer price index" means the consumer price index, United States city average, all items, published monthly by the bureau of labor statistics of the United States department of labor.

Sec. 180. (a) On and after July 1, 2015, notwithstanding the provisions of K.S.A. 74-4927, and amendments thereto, or any other statute, no state agency shall pay to the Kansas public employees retirement system any amounts to the group insurance reserve fund attributable to the final seven pay periods of the fiscal year ending June 30, 2016, that constitute such state agency's portion of the state's contribution to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto.

(b) On and after July 1, 2016, notwithstanding the provisions of K.S.A. 74-4927, and amendments thereto, or any other statute, no state agency shall pay to the Kansas public employees retirement system any amounts to the group insurance reserve fund attributable to the final seven pay periods of the fiscal year ending June 30, 2017, that constitute such state agency's portion of the state's contribution to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto.

Sec. 181. (a) During the fiscal year ending June 30, 2016, no expenditures shall be made by any state agency named in this act from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 as authorized by this or other appropriation act of the 2015 regular session of the legislature, to pay for subscriptions to newspapers or magazines, including any electronic subscriptions.

(b) During the fiscal year ending June 30, 2017, no expenditures shall be made by any state agency named in this act from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 as authorized by this or other appropriation act of the 2015 or 2016 regular session of the legislature, to pay for subscriptions to newspapers or magazines, including any electronic subscriptions.

(c) The provisions of this section shall not apply to the judicial branch, the state historical society, the state library, the state board of regents or any state educational institution, as defined by K.S.A. 76-711, and amendments thereto.

Sec. 182. (a) During the fiscal year ending June 30, 2016, in addition to the other purposes for which expenditures may be made by the executive director of the state historical society, from moneys appropriated from the state general fund or any special revenue fund or funds for the state historical society for fiscal year 2016 by this act or any other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the executive director of the state historical society from the state general fund or from any special revenue fund or funds for fiscal year 2016, to accept and hold, in the name of the state, the Last Chance Store, The South Fifty-Four (54') feet of Lots Fifteen (15) and Sixteen (16), in Block Forty-Seven (47), City of Council Grove, Kansas. Such real property and the improvements thereon shall be acquired in fee simple by gift, grant or designation for the purpose of establishing and maintaining it as an historic property and shall be included in the Kaw Mission state historic site. The state historical society shall have the power to do any and all things necessary to carry out the intent and purpose of this section and to make such rules and regulations for the use, enjoyment and government of the premises as may be necessary.

(b) Conveyance of the property described in subsection (a) shall not be accepted by the executive director of the state historical society until the attorney general approves the deed and determines that such conveyance would convey such land in fee simple to the state of Kansas.

(c) The provisions of K.S.A. 75-2726, and amendments thereto, shall not apply to the acquisition authorized by this section.

Sec. 183. (a) During the fiscal year ending June 30, 2016, in addition to the other purposes for which expenditures may be made by the chief executive officer of the state board of regents, from moneys appropriated from the state general fund or any special revenue fund or funds for the state board of regents for fiscal year 2016 by this act or any other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the chief executive officer of the state board of regents from the state general fund or from any special revenue fund or funds for fiscal year 2016, for and on behalf of Pittsburg state university, to exchange and convey the tracts of real property described in subsection (b) to the city of Pittsburg, Kansas, in consideration for the city of Pittsburg exchanging and conveying the tracts of real property described in subsection (c) to Pittsburg state university. The exchange and conveyance of real property by the state board of regents under this section shall be executed in the name of the state board of regents by its chairperson and its chief executive officer. The deed for such conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the state board of regents in consultation with the attorney general. No exchange and conveyance of real estate and improvements thereon as authorized by this section shall be made by the state board of regents until the deeds and conveyances have been reviewed and approved by the attorney general and, if warranty deeds are to be the instruments of conveyance, title reviews have been performed or title insurance has been obtained and the title opinion or the certificates of title insurance, as the case may be, have been approved by the attorney general. The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-430a, 75-3043a, 75-6609 or 75-6611, and amendments thereto.

(b) (1) In accordance with the provisions of this section, the state board of regents is hereby authorized to exchange and convey a tract of land to the city of Pittsburg commonly known as the south of east hills addition, particularly described as follows:

Part of Section Thirty Three (33), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, Crawford County, Kansas, according to the United States Government Survey thereof bounded and described as follows: Beginning at a point 600 feet East of the SW corner of the North half of the NW  $\frac{1}{4}$  of said Section, thence continuing East 1766.82 feet (more or less) along the South line of the North half of the NW  $\frac{1}{4}$  to a point 300 feet West of the NE corner, SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , thence South and parallel to the East line of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  a distance of 435.60 feet, thence East 300 feet to the East line of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , thence South along the half section line 882.51 feet (more or less) to a  $\frac{3}{4}$  inch iron pipe set at center of said Section, thence East and along the half section line 500.05 feet to the centerline of creek, thence South 753.68 feet, thence West and parallel to the half section line 702.94 feet, thence North 819.46 feet (more or less) to a point being 176.88 feet West and 80.98 feet North of the center of said Section, thence West and parallel to the half section line a distance of 426.63 feet, thence North 368.58 feet, thence West 1629 feet to the East right-of-way of the Kansas City Southern Railroad, thence Northwesterly along railroad right-of-way 491.75 feet, thence East 296.15 feet, thence North 238.41 feet, thence East 110.53 feet (more or less) to a point 600 feet East and 212.50 feet South of the SW corner, NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , thence 212.50 feet to point of beginning. (Said Tract containing 59.0 acres, more or less).

(2) In accordance with the provisions of this section, the state board of regents is hereby authorized to exchange and convey a tract of land to the city of Pittsburg, particularly described as follows: Part of the West half (W  $\frac{1}{2}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Thirty Three (33), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, Crawford County, Kansas, according to the United States Government Survey thereof bounded and described as follows: Beginning at the Northwest Corner of the Southwest Quarter (SW  $\frac{1}{4}$  of the Northeast Quarter (NE  $\frac{1}{4}$ ) of said Section Thirty Three (33); thence South along the West line of said Southwest Quarter (SW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ) a distance of One Thousand Three Hundred Thirty Three (1,333) feet to a  $\frac{3}{4}$  inch iron pipe set at the center of said Section Thirty Three (33); Thence East along the South line of said Southwest Quarter (SW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) distance of Five Hundred and Five Hundredths (500.05) feet to center line of creek; Thence generally North along the center line of creek a distance of Seven Hundred Eighty (780) feet, more or less to a point in center line of creek Six Hundred Twenty Nine and Twenty Four Hundredths (629.24) feet South and Four Hundred Seventy One and Four Hundredths (471.04) feet East of the Northwest corner of the Southwest Quarter (SW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ) of said Section Thirty Three (33), Thence North a distance of Forty Four (44) feet to a  $\frac{1}{2}$  inch iron pipe set; Thence continuing North a distance of Two Hundred Forty Three (243) feet to a  $\frac{3}{4}$  inch iron pipe set; Thence North a distance of Twenty Three (23) feet to a point in center line of creek Three Hundred Nineteen and Twenty Four Hundredths (319.24) feet South and Four Hundred Sixty Nine and Ninety Three Hundredths (469.93) feet East of the Northwest Corner of Southwest Quarter (SW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ); Thence North and West with the meander of the center line of creek a distance of One Thousand One Hundred Thirty Eight (1138) feet, more or less to a point in the center line of creek and on the West line of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ) a distance of Three Hundred Sixty Three and Thirty Three Hundredths (363.33) feet North of the Northwest corner of Southwest

Quarter (SW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ); Thence South along said West line of said Northwest Quarter (NW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ) a distance of Three Hundred Sixty Three and Thirty Three Hundredths (363.33) feet to the point of beginning. (Said Tract containing 13.73 acres, more or less).

(c) (1) In accordance with the provisions of this section, Pittsburg state university is hereby authorized to accept title to a tract of real property of approximately 25.1 acres commonly known as the research and development park conveyed to the university by the city of Pittsburg, particularly described as follows: Pittsburg Research and Development Park Phase II, Lots 1, 2, 3, 4 and 5.

(2) In accordance with the provisions of this section, Pittsburg state university is hereby authorized to accept title to a tract of real property particularly described as follows: Commencing at the Southwest Corner of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Section 33, Township 30 South, Range 25 East of the Sixth Principal Meridian, City of Pittsburg, County of Crawford, State of Kansas; thence on a bearing of South 88 Degrees 50 Minutes 56 Seconds East (this and all following bearings are assumed) along the Southerly line of said Quarter Section, a distance of 45.01 feet to a point on the existing right-of-way line of Rouse Avenue and Centennial Avenue as established by resolution and order for Tract 21, dated August 30, 1965, said point being the true point of beginning; thence on a bearing of North 00 Degrees 03 Minutes 28 Seconds West along said existing right-of-way line, a distance of 547.10 feet to a bend point in said existing right-of-way line; thence on a bearing of North 02 Degrees 47 Minutes 29 Seconds East continuing along said existing right-of-way line, a distance of 201.20 feet to a bend point in said existing right-of-way line, thence on a bearing of North 00 Degrees 03 Minutes 28 Seconds West continuing along said existing right-of-way line a distance of 175.66 feet to the point of intersection of said existing right-of-way line with the Westerly right-of-way line of the Kansas City Southern Railroad Company as now established; thence on a bearing of South 29 Degrees 55 Minutes 56 Seconds East along said Westerly right-of-way line, a distance of 1011.10 feet to a point of intersection with the extended Southerly permanent easement line of a sanitary sewer as it now exists; thence on a bearing of North 86 Degrees 35 Minutes 46 Seconds West along said Southerly permanent easement line, a distance of 310.56 feet to a bend point in said Southerly easement line; thence on a bearing of South 87 Degrees 02 Minutes 31 Seconds West continuing along said Southerly easement line, a distance of 51.73 feet; thence on a bearing of South 44 Degrees 52 Minutes 58 Seconds West, a distance of 91.75 feet to the Northerly line of the Southwest Quarter (SW  $\frac{1}{4}$ ) of Section 33, Township 30 South, Range 25 East of the Sixth Principal Meridian; thence continuing on a bearing of South 44 Degrees 52 Minutes 58 Seconds West, a distance of 84.94 feet; thence on a bearing of North 90 Degrees 00 Minutes 00 Seconds West along a line perpendicular to the Westerly line of said Southwest Quarter Section, a distance of 27.23 feet to a point on said existing right-of-way line of Rouse Avenue and Centennial Avenue; thence on a bearing of North 00 Degrees 00 Minutes 00 Seconds East along said existing right-of-way line, a distance of 61.94 feet, to the point of beginning; the above described tract of land contains 231,726 square feet or 5.320 acres more or less.

Sec. 184.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for state facilities.....\$147,588

*Provided*, That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Judicial center rehabilitation and repair.....\$73,861

*Provided*, That any unencumbered balance in the judicial center rehabilitation and repair account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

National bio and agro-defense facility – debt service.....\$15,855,322

Kansas department of transportation – CTP – debt service.....\$10,434,213

Capitol complex repair and rehabilitation.....\$1,975,752

Restructuring debt service.....\$3,530,798

John Redmond reservoir debt service.....\$1,674,600

University of Kansas medical education building debt service.....\$1,089,750

Debt service refunding.....\$9,354,922

(b) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2016, for the capital improvement project or projects specified, the following:

Statehouse improvements – debt service.....\$2,640,800

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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

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.

Statehouse debt service – state highway fund.....No limit

*Provided*, That on September 1, 2015, and February 1, 2016, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$10,000,000 from the state highway fund of the department of transportation to the statehouse debt service – state highway fund of the department of administration.

(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 2016, 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 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parking improvements and repair.....No limit

(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 2016, expenditures may be made by the above agency from the building and ground fund for fiscal year 2016 from any unencumbered balance as of June 30, 2015, 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 2016 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2015: *Provided further*, That all expenditures from the building and ground fund for the fiscal year 2016 from the unencumbered balance in any such account shall be in addition to any expenditure limitations imposed on the building and ground fund for the fiscal year 2016.

(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 2016, 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 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

State of Kansas facilities projects – debt service.....No limit

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the state buildings depreciation fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from any such account shall be in addition to any expenditure limitations imposed on the state buildings depreciation fund for fiscal year 2016.

(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 2016, 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 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Memorial hall – 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 2016, 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 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Rehabilitation and repair.....\$75,000

(j) On July 1, 2015, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$982,980 from the statehouse debt service – state highway fund of the department of administration to the state general fund.

Sec. 185.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, for the capital improvement project or projects specified, the following:

- Rehabilitation and repair for state facilities.....\$147,588

*Provided*, That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

- Judicial center rehabilitation and repair.....\$73,861

*Provided*, That any unencumbered balance in the judicial center rehabilitation and repair account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

- National bio and agro-defense facility – debt service.....\$16,247,336
- Kansas department of transportation – CTP – debt service.....\$10,436,519
- Capitol complex repair and rehabilitation.....\$1,975,753
- Restructuring debt service.....\$3,081,839
- John Redmond reservoir debt service.....\$1,673,000
- University of Kansas medical education building debt service.....\$1,089,750
- Debt service refunding.....\$12,964,920

(b) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2017, for the capital improvement project or projects specified, the following:

- Statehouse improvements – debt service.....\$2,640,800

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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
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.

Statehouse debt service – state highway fund.....	No limit
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*Provided*, That on September 1, 2016, and February 1, 2017, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$9,773,755.50 from the state highway fund of the department of transportation to the statehouse debt service – state highway fund of the department of administration.

Restructuring debt service – state highway fund.....	No limit
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*Provided*, That on September 1, 2016, 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 \$452,489 from the state highway fund of the department of transportation to the restructuring debt service – state highway fund of the department of administration.

(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 2017, 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 2017 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 2017, expenditures may be made by the above agency from the building and ground fund for fiscal year 2017 from any unencumbered balance as of June 30, 2016, 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 2017 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2016: *Provided further*, That all expenditures from the building and ground fund for the fiscal year 2017 from the unencumbered balance in any such account shall be in addition to any expenditure limitations imposed on the building and ground fund for the fiscal year 2017.

(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 2017, 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 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

State of Kansas facilities projects – debt service.....No limit

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the state buildings depreciation fund for fiscal year 2017.

(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 2017, expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from any such account shall be in addition to any expenditure limitations imposed on the state buildings depreciation fund for fiscal year 2017.

(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 2017, 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 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Memorial hall – 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 2017, 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 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair.....\$75,000

(j) On July 1, 2016, or as soon thereafter as moneys are available therefore, the director of accounts and reports shall transfer \$2,086,819 from the statehouse debt service – state highway fund of the department of administration to the state general fund.

Sec. 186.

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 2016, 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 2016, for the following capital improvement project or projects, subject to

the expenditure limitations prescribed therefor:

Debt service – 1430 Topeka facilities.....	\$136,900
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 2016, 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 2016, 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. 187.

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 2017, 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 2017, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – 1430 Topeka facilities.....	\$132,150
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 2017, 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 2017, 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. 188.

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, 2016, 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
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Sec. 189.

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, 2017, 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
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Sec. 190.

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, 2016, 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 2016 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 2016 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 .....\$3,844,481

Debt service – state hospitals rehabilitation and repair.....\$2,549,450

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.....\$187,791

Kansas neurological institute – energy conservation improvement debt service.....\$192,000

Sec. 191.

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, 2017, 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 2017 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 2017 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 .....\$3,850,363

Debt service – state hospitals rehabilitation and repair.....\$2,589,950

Larned state hospital – city of Larned wastewater treatment.....	\$129,620
<i>Provided</i> , 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.....	\$187,790
Kansas neurological institute – energy conservation improvement debt service.....	\$192,000
Sec. 192.	

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, 2016, 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
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*Provided*, That the secretary of labor is hereby authorized to make expenditures from the employment security administration property sale fund during fiscal year 2016 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 2016 as authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2016 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 2016 by this or other appropriation act of the 2015 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 2016, expenditures may be made by the above agency from the special employment security fund for fiscal year 2016 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 2016 for such capital improvement purposes shall not exceed \$180,263: *Provided further*, That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitations imposed on the special employment security fund for fiscal year 2016.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the workmen's compensation fee fund for fiscal year 2016, expenditures may be made by the above agency from the workmen's compensation fee fund for fiscal year 2016 for the following capital improvement projects: (1) Payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided*, That expenditures from the workmen's compensation fee fund for fiscal year 2016 for such capital improvement purposes shall not exceed \$97,065; and (2) payment of rehabilitation and repair projects: *Provided*, That expenditures from the workmen's compensation fee fund for fiscal year 2016 for such capital improvement purposes shall not exceed \$152,500.

Sec. 193.

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, 2017, 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 2017 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 2017 as authorized by this or other appropriation act of the 2015 or 2016 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2017 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 2017 by this or other appropriation act of the 2015 or 2016 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 2017, expenditures may be made by the above agency from the special employment security fund for fiscal year 2017 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 2017 for such capital improvement purposes shall not exceed \$181,300: *Provided further*, That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitations imposed on the special employment security fund for fiscal year 2017.

(d) addition to the other purposes for which expenditures may be made by the above agency from the workmen's compensation fee fund for fiscal year 2017, expenditures may be made by the above agency from the workmen's compensation fee fund for fiscal year 2017 for the following capital improvement projects: (1) Payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided*, expenditures from the workmen's compensation fee fund for fiscal year 2017 for such capital improvement purposes shall not exceed \$97,623; and (2) payment of rehabilitation and repair projects: *Provided*, expenditures from the workmen's compensation fee fund for fiscal year 2017 for such capital improvement purposes shall not exceed \$195,000.

Sec. 194.

#### KANSAS COMMISSION ON VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, for the capital improvement project or projects specified, the following:

Veterans cemetery program rehabilitation and repair projects.....\$34,900

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2016, for the capital improvement project or projects specified, the following:

Soldiers' home rehabilitation and repair projects.....\$150,000  
 Veterans' home rehabilitation and repair projects.....\$100,000  
 KSH campus telephone system replacement.....\$88,000  
 KSH demolition of campus structures project.....\$80,000  
 KSH Halsey hall door/threshold replacement.....\$200,000  
 KSH Halsey hall whirlpool room renovation.....\$66,000  
 KSH key replacement system.....\$165,000  
 KSH Lincoln and Grant hall window replacement.....\$80,000  
 KSH Lincoln and Grant hall entrance renovations.....\$220,000  
 KVH bariatric rooms remodel.....\$82,500  
 KVH campus security enhancement.....\$110,000  
 KVH campus telephone system.....\$88,000  
 KVH key replacement system.....\$165,000

Sec. 195.

KANSAS COMMISSION ON VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, for the capital improvement project or projects specified, the following:

Veterans cemetery program rehabilitation and repair projects.....\$9,900

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2017, for the capital improvement project or projects specified, the following:

Soldiers' home rehabilitation and repair projects.....\$150,000  
 Veterans' home rehabilitation and repair projects.....\$100,000  
 KSH demolition of campus structures project.....\$50,000  
 KSH Halsey hall covered entrance project.....\$55,000  
 KSH Halsey hall kitchen renovation.....\$412,500  
 KSH Lincoln and Grant hall ADA access upgrades.....\$165,000  
 KSH Lincoln hall electrical upgrade.....\$55,000  
 KSH Pershing barracks access renovation.....\$330,000  
 KSH roof replacements.....\$80,000  
 KVH Bleckley hall window replacement.....\$481,500  
 KVH Triplett hall flooring replacement.....\$198,000

Sec. 196.

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, 2016, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....	\$235,000
Security system upgrade project.....	\$355,902
Facilities conservation improvement debt service.....	\$38,600
Campus boilers and HVAC upgrades.....	\$69,000

Sec. 197.

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, 2017, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....	\$240,000
Security system upgrade project.....	\$309,817
Facilities conservation improvement debt service.....	\$40,459
Campus boilers and HVAC upgrades.....	\$60,000

Sec. 198.

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, 2016, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....	\$386,000
Facilities conservation improvement debt service.....	\$78,368
HVAC upgrades.....	\$20,000
Campus life safety and security.....	\$450,206

Sec. 199.

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, 2017, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....	\$290,000
Facilities conservation improvement debt service.....	\$81,646
HVAC upgrades.....	\$140,000
Campus life safety and security.....	\$300,907

Sec. 200.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Rehabilitation and repair projects.....	\$250,000
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*Provided*, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016: *Provided further*, That during the fiscal year ending June 30, 2016, expenditures from the rehabilitation and repair projects account may be made for the purpose of replacing the state archives roof at the state historical society.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the general fee fund for fiscal year 2016, expenditures may be made by the above agency from the following capital improvement account or accounts of the general fee fund for fiscal year 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

State archives roof replacement.....\$42,500

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the general fee fund for fiscal year 2016.

(c) In addition to other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund for fiscal year 2016, 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 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Grinter place south porch restoration.....\$50,000

Cottonwood ranch stained glass window repair.....\$15,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the private gifts, grants and bequests fund for fiscal year 2016.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund for fiscal year 2016, expenditures may be made by the above agency from the private gifts, grants and bequests fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, in each existing capital improvement account of the private gifts, grants and bequests 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the private gifts, grants and bequests fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the private gifts, grants and bequests fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the historic properties fee fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the historic properties fee fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the historic properties fee fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the state historical facilities fund for fiscal year

2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the state historical facilities fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the state historical facilities fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the save America's treasures fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the save America's treasures fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the save America's treasures fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the historical society capital improvement fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the historical society capital improvement fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the historical society capital improvement fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the historical preservation grant in aid fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the historical preservation grant in aid fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the historical preservation grant in aid fund for fiscal year 2016.

Sec. 201.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, 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, 2016, is hereby reappropriated for fiscal year 2017.

(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 2017, 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 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Kaw indian mission rehabilitation/interpretation project..... \$293,500

Cottonwood stone wall fence project.....\$25,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the private gifts, grants and bequests fund for fiscal year 2017.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund for fiscal year 2017, expenditures may be made by the above agency from the private gifts, grants and bequests fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, in each existing capital improvement account of the private gifts, grants and bequests 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the private gifts, grants and bequests fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the private gifts, grants and bequests fund for fiscal year 2017.

(d) 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 2017, expenditures may be made by the above agency from the historic properties fee fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the historic properties fee fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the historic properties fee fund for fiscal year 2017.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state historical facilities fund for fiscal year 2017, expenditures may be made by the above agency from the state historical facilities fund for fiscal year

2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the state historical facilities fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the state historical facilities fund for fiscal year 2017.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the save America's treasures fund for fiscal year 2017, expenditures may be made by the above agency from the save America's treasures fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the save America's treasures fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the save America's treasures fund for fiscal year 2017.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the historical society capital improvement fund for fiscal year 2017, expenditures may be made by the above agency from the historical society capital improvement fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the historical society capital improvement fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the historical society capital improvement fund for fiscal year 2017.

(h) 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 2017, expenditures may be made by the above agency from the historical preservation grant in aid fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the historical preservation grant in aid fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the historical preservation grant in aid fund for fiscal year 2017.

Sec. 202.

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, 2016, 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, 2016, 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 2015 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, 2014.

(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, 2015, or June 30, 2016, 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 2015 or fiscal year 2016 for a capital improvement project to plan, construct and remodel Singular/Trusler residence hall.

(d) In addition to the other purposes for which expenditures may be made by Emporia state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 or fiscal year 2017 as authorized by this or other appropriation act of the 2015 or 2016 regular session of the legislature, expenditures may be made by Emporia state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 or fiscal year 2017 to raze stormont maintenance facility.

Sec. 203.

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, 2017, 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, 2017, 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 2015 or 2016 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, 2015.

(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, 2016, or June 30, 2017, 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 2016 or fiscal year 2017 for a capital improvement project to plan, construct and remodel Singular/Trusler residence hall.

Sec. 204.

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, 2016, 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 fund .....No limit  
 Wind power generation facility fund.....No limit  
 Indoor practice facility.....No limit

(b) During the fiscal year ending June 30, 2016, 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 2015 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, 2014.

(c) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds during the fiscal year ending June 30, 2016, as authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures may be made by the above

agency from any special revenue fund or funds during fiscal year 2016 for a capital improvement project to plan and construct the institute of applied technology and a parking lot for such institute.

Sec. 205.

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, 2017, 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 fund .....No limit
- Wind power generation facility fund.....No limit
- Indoor practice facility.....No limit

(b) During the fiscal year ending June 30, 2017, 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 2015 or 2016 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, 2015.

(c) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds during the fiscal year ending June 30, 2017, as authorized by this or other appropriation act of the 2015 or 2016 regular session of the legislature, expenditures may be made by the above agency from any special revenue fund or funds during fiscal year 2017 for a capital improvement project to plan and construct the department of art building and a parking lot for such building.

(d) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2017 as authorized by this or other appropriation act of the 2015 or 2016 regular session of the legislature, expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2017 to raze Wiest hall "B."

Sec. 206.

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, 2016, 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, 2016, 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 2015 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, 2014.

(c) Any unencumbered balance in each of the following accounts of Kansas state university in the state general fund in excess of \$100 as of June 30, 2015, for the capital improvement project or projects specified, is hereby reappropriated for fiscal year 2016: School of architecture.

(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 2016 or fiscal year 2017 authorized by this or other appropriation act of the 2015 or 2016 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 2016 or for fiscal year 2017 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to expand the chilled water plant: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of K.S.A. 74-8905(b), 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 money received from the issuance of any such bonds for such capital improvement project shall not exceed \$56,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*, That Kansas state university shall make provisions for the maintenance of the chilled water plant.

(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 2016 or fiscal year 2017 authorized by this or other appropriation act of the 2015 or 2016 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 2016 or for fiscal year 2017 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 in Salina: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of K.S.A. 74-8905(b), 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 money 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 and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*, That Kansas state university shall make provisions for the maintenance of the student housing.

(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 2015 or fiscal year 2016 authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 or fiscal year 2016 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to expand the student union: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purpose of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$25,000,000, plus all amounts required for the cost of bonds issuance, costs of interest on 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 for the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special

revenue fund or funds: *And provided further*; That Kansas state university shall make provisions for the maintenance of the area of the student union expansion.

(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 2016 or fiscal year 2017 authorized by this or other appropriation act of the 2015 or 2016 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 2016 or fiscal year 2017 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for the renovation and expansion of Seaton hall, the college of architecture planning and design: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*; That, Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*; That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$60,000,000, 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 payment of principal and interest on the bonds: *And provided further*; That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*; That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the Kansas educational building fund or any other appropriate funds: *And provided further*; That Kansas state university shall make provision for the maintenance of Seaton hall, the college of architecture planning and design.

Sec. 207.

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, 2017, 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, 2017, 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 2015 or 2016 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, 2015.

(c) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2017, for the capital improvement project or projects specified as follows:

Seaton Hall, the college of architecture planning and design debt service.....\$3,700,000  
Sec. 208.

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, 2016, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2016 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. 209.

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, 2017, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2017 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. 210.

PITTSBURG 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, 2016, 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

(b) During the fiscal year ending June 30, 2016, 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 2015 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, 2014.

Sec. 211.

PITTSBURG 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, 2017, 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

(b) During the fiscal year ending June 30, 2017, 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 2015 or 2016 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, 2015.

Sec. 212.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, for the capital improvement project or projects specified as follows:

- School of pharmacy debt service.....\$1,632,325
- School of pharmacy debt service 2009.....\$2,494,614

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, 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 2016

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 2016 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, 2016, 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 2015 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, 2014.

(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 2016 or fiscal year 2017 authorized by this or other appropriation act of the 2015 or 2016 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 2016 or for fiscal year 2017 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for the earth energy environment center: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of K.S.A. 74-8905(b), 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 money received from the issuance of any such bonds for such capital improvement project shall not exceed \$25,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: *And provided further*; That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*; That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided*

*further*; That the university of Kansas shall make provisions for the maintenance of the earth energy environment center.

(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 2015 or fiscal year 2016 authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 or fiscal year 2016 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 residence hall and dining facility: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purpose of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$51,200,000, plus all amounts required for the cost of bonds issuance, costs of interest on 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 for the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*, That the university of Kansas shall make provisions for the maintenance of the residence hall and dining facility.

(f) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 or fiscal year 2016 authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 or fiscal year 2016 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 remodel Corbin hall: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purpose of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$14,500,000, plus all amounts required for the cost of bonds issuance, costs of interest on 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 for the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*, That the university of Kansas shall make provisions for the maintenance of Corbin hall.

(g) In addition to the provisions of section 178(c) of chapter 167 of the 2007 Session Laws of Kansas, authorizing the financing of debt service for the bonds issued to construct an addition to the law enforcement training center, debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds of the University of Kansas.

Sec. 213.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, for the capital improvement project or projects specified as follows:

School of pharmacy debt service.....	\$1,629,288
School of pharmacy debt service 2009.....	\$2,491,364

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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
<i>Provided</i> , That the university of Kansas may transfer moneys during fiscal year 2017 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 2017 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, 2017, 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 2015 or 2016 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, 2015.

Sec. 214.

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, 2016, 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 2016 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, 2016, 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 2015 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, 2014.

(c) 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 2016 or fiscal year 2017 authorized by this or other appropriation act of the 2015 or 2016 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 2016 or for fiscal year 2017 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 parking garage #5: *Provided*, That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of K.S.A. 74-8905(b), 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 money received from the issuance of any such bonds for such capital improvement project shall not exceed \$39,600,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for

such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: *And provided further*; That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*; That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*; That by the university of Kansas medical center shall make provisions for the maintenance of parking garage #5.

(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 2016 or fiscal year 2017 authorized by this or other appropriation act of the 2015 or 2016 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 2016 or for fiscal year 2017 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 the health education building: *Provided*, That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of K.S.A. 74-8905(b), 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 money 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 and interest on the bonds: *And provided further*; That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*; That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*; That the university of Kansas medical center shall make provisions for the maintenance of the health education building.

(e) 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 2016 or fiscal year 2017 authorized by this or other appropriation act of the 2015 or 2016 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 2016 or for fiscal year 2017 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 the health education building: *Provided*, That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of K.S.A. 74-8905(b), 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 money received from the issuance of any such bonds for such capital improvement project shall not exceed \$25,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That the university of Kansas medical center shall make provisions for the maintenance of the health education building.

Sec. 215.

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, 2017, 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 2017 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, 2017, 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 2015 or 2016 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, 2015.

Sec. 216.

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, 2016, 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, 2016, 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 2015 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, 2014.

Sec. 217.

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, 2017, 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, 2017, 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 2015 or 2016 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, 2015.

Sec. 218.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

PEI infrastructure – debt service.....\$5,294,875

Provided, That, during the fiscal year ending June 30, 2016, 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 2016 in the PEI infrastructure – debt service account of the state general fund for fiscal year 2016 after the principal payment has been received for fiscal year 2016 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 2016 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 2016 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 2016 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 2016 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 2016: 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, 2016, all moneys now or hereafter 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, 2016, 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.....\$29,000,000

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 2016.

Sec. 219.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

PEI infrastructure – debt service.....\$2,607,375

*Provided*, That, during the fiscal year ending June 30, 2017, 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 2017 in the PEI infrastructure – debt service account of the state general fund for fiscal year 2017 after the principal payment has been received for fiscal year 2017 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 2017 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 2017 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 2017 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 2017 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 2017: *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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Postsecondary educational infrastructure finance KDFA  
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, 2017, 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..... \$32,000,000

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 2017.

Sec. 220.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, for the capital improvement project or projects specified, the following:

Debt service payment for the infrastructure projects bond issue.....\$518,137

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2016, 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.....\$4,110,675

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2016 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 2016 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, 2016, for the capital improvement project or

projects specified, the following:

Capital improvements – rehabilitation and repair of juvenile correctional facilities.....	\$1,526,395
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*Provided*, That the secretary of the department of corrections is hereby authorized to transfer moneys during fiscal year 2016 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 2016 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.....	\$3,993,000
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(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Correctional facility infrastructure project.....	No limit
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Sec. 221.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, for the capital improvement project or projects specified, the following:

Debt service payment for the infrastructure projects bond issue.....	\$516,862
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(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2017, for the capital improvement project or projects specified, the following:

Debt service payment for the infrastructure projects bond issues.....	\$500,000
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Capital improvements – rehabilitation and repair of correctional institutions.....	\$4,104,900
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*Provided*, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2017 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 2017 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.....	\$127,100
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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, 2017, for the capital improvement project or projects specified, the following:

Capital improvements – rehabilitation and repair of juvenile	
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correctional facilities.....\$516,910

*Provided*, That the secretary of the department of corrections is hereby authorized to transfer moneys during fiscal year 2017 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 2017 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.....\$3,996,500

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Correctional facility infrastructure project.....No limit  
Sec. 222.

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, 2016, 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, 2015, is hereby reappropriated for fiscal year 2016.

KBI lab – debt service.....\$4,324,724  
Sec. 223.

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, 2017, 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, 2016, is hereby reappropriated for fiscal year 2017.

KBI lab – debt service.....\$4,321,069  
Sec. 224.

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 2016, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2016 for

the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair – training center – Salina.....\$55,522

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the highway patrol training center fund for fiscal year 2016.

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2016, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Training academy rehabilitation and repair.....No limit

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the vehicle identification number fee fund for fiscal year 2016.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2016, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – Topeka fleet service.....\$370,281

Scale replacement and rehabilitation and repair of buildings.....\$253,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the Kansas highway patrol operations fund for fiscal year 2016.

(d) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$623,281 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 2016 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 2016 for support and maintenance of the Kansas highway patrol.

Sec. 225.

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 2017, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair – training center – Salina.....\$56,355

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the highway patrol training center fund for fiscal year 2017.

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2017, expenditures may be made

by the above agency from the vehicle identification number fee fund for fiscal year 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Training academy rehabilitation and repair..... No limit

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the vehicle identification number fee fund for fiscal year 2017.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2017, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – Topeka fleet service.....\$367,825

Scale replacement and rehabilitation and repair of buildings.....\$256,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the Kansas highway patrol operations fund for fiscal year 2017.

(d) On July 1, 2016, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$623,825 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 2017 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 2017 for support and maintenance of the Kansas highway patrol.

Sec. 226.

ADJUTANT GENERAL

(a) On the effective date of this act, of the \$2,741,373 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 253(a) of chapter 136 of the 2013 Session Laws of Kansas, from the state general fund in the debt service – rehabilitation and repair of the statewide armories account, the sum of \$134,886 is hereby lapsed.

(b) On the effective date of this act, of the \$115,188 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 253(a) of chapter 136 of the 2013 Session Laws of Kansas, from the state general fund in the debt service – armory/classroom/recreation center at PSU account, the sum of \$9,233 is hereby lapsed.

(c) On the effective date of this act, of the \$722,613 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 253(a) of chapter 136 of the 2013 Session Laws of Kansas, from the state general fund in the debt service – training center account, the sum of \$29,831 is hereby lapsed.

Sec. 227.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, for the capital improvement project or projects

specified, the following:

Debt service – training center.....	\$475,544
Debt service – armory/classroom/recreation center at PSU.....	\$81,200
Debt service – rehabilitation and repair of the statewide armories.....	\$731,554
Rehabilitation and repair projects.....	\$163,688
State emergency operations center design.....	\$472,000

*Provided*, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Sec. 228.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, for the capital improvement project or projects specified, the following:

Debt service – training center.....	\$473,631
Debt service – armory/classroom/recreation center at PSU.....	\$83,200
Debt service – rehabilitation and repair of the statewide armories.....	\$730,269
Rehabilitation and repair projects.....	\$162,489

*Provided*, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal year 2017.

Any unencumbered balance in excess of \$100 as of June 30, 2016, in each of the following accounts is hereby reappropriated for fiscal year 2017: State emergency operations center design.

Sec. 229.

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, 2016, all moneys now or hereafter 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 10<sup>th</sup> of each month during the fiscal year ending June 30, 2016, 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, 2016, for the capital improvement project or projects

specified, the following:

State fair debt service.....	\$845,950
Sec. 230.	

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, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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 10<sup>th</sup> of each month during the fiscal year ending June 30, 2017, 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, 2017, for the capital improvement project or projects specified, the following:

State fair debt service.....	\$848,550
Sec. 231.	

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, 2016, for the capital improvement project or projects specified, the following:

Debt service – Kansas City district office.....	\$10,395
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*Provided*, That any unencumbered balance in the debt service – Kansas City district office account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund.....	No limit
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*Provided*, That, in addition to other purposes for which expenditures may be made by the above agency from the department access road fund, expenditures may be made from this fund for road improvement projects administered by the department of transportation in state parks and on public lands.

Bridge maintenance fund.....	No limit
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(c) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$3,317,268 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, 2015, 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 2016, 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 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvements.....\$484,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the state agricultural production fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parks rehabilitation and repair projects.....\$1,200,000

Debt service – Kansas City district office.....\$25,200

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the parks fee fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the parks fee fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*; That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the parks fee fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the parks fee fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – Kansas City district office.....\$11,130

River access.....\$100,000

Coast guard boating projects.....\$200,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the boating fee fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the boating fee fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the boating fee fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the boating fee fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the boating safety and financial assistance fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the boating safety and financial assistance fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the boating safety and financial assistance fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Shooting range development.....	\$250,000
Land acquisition.....	\$100,000
Federally mandated boating access .....	\$1,490,000
Public lands major maintenance.....	\$35,000
Debt service – Kansas City office.....	\$58,275

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the wildlife fee fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the wildlife fee fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such

account of the wildlife fee fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the wildlife conservation fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the wildlife conservation fund for fiscal year 2016.

(n) In addition to other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2016, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2016 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 limitations imposed on the cabin revenue fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the cabin revenue fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the cabin revenue fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2016 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.....\$600,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the wildlife restoration fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2016

from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the wildlife restoration fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the wildlife restoration fund for fiscal year 2016.

(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 2016, 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 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Public lands major maintenance.....	\$135,000
Dam repairs.....	\$350,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the sport fish restoration program fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the sport fish restoration program fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the sport fish restoration program fund for fiscal year 2016.

(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 2016, 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 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition.....	\$200,000
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*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the migratory waterfowl propagation and protection fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the migratory waterfowl propagation and protection fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the migratory waterfowl propagation and protection fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the nongame wildlife improvement fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the nongame wildlife improvement fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the nongame wildlife improvement fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the plant and animal disease and pest control fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the plant and animal disease and pest control fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the plant and animal disease and pest control fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the land and water conservation fund – local for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the land and water conservation fund – local for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the land and water conservation fund – local for fiscal year 2016.

(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 2016, 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 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Land and water conservation development.....\$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 2016.

(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 2016, expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the outdoor recreation acquisition, development and planning fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the outdoor recreation acquisition, development and planning fund for fiscal year 2016.

(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 2016, 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 2016 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 limitations imposed on the recreational trails program fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the recreational trails program fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the recreational trails program fund for fiscal year 2016.

(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 2016,

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 2016 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvements.....\$515,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the federally licensed wildlife areas fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the federally licensed wildlife areas fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the federally licensed wildlife areas fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the department of wildlife and parks gifts and donations fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the department of wildlife and parks gifts and donations fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the highway planning/construction fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the highway planning/construction fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the highway planning/construction fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the state wildlife grants fund for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the state wildlife grants fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the state wildlife grants fund for fiscal year 2016.

(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 2016, expenditures may be made by the above agency from the disaster grants – public assistance for fiscal year 2016 from the unencumbered balance as of June 30, 2015, 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the disaster grants – public assistance for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the disaster grants – public assistance for fiscal year 2016.

(ii) In addition to the other purposes for which expenditures may be made by the above agency from the nonfederal grants fund for fiscal year 2016, expenditures may be made by the above agency from the unencumbered balance as of June 30, 2015, in each capital improvement account of the nonfederal 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, 2015: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the nonfederal grants fund for fiscal year 2016 and shall be in addition to any other expenditure limitations imposed on any such account of the nonfederal grants fund for fiscal year 2016.

(jj) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,000 from the bridge maintenance fund of the Kansas department of wildlife, parks and tourism to the state general fund.

Sec. 232.

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, 2017, for the capital improvement project or projects specified, the following:

Debt service – Kansas City district office.....\$10,603

*Provided*, That any unencumbered balance in the debt service – Kansas City district office account in excess of \$100 as of June 30, 2016, is hereby reappropriated for fiscal

year 2017.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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, 2016, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$3,304,247 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, 2016, 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 2017, 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 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvement.....\$340,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the state agricultural production fund for fiscal year 2017.

(f) 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 2017, expenditures may be made by the above agency from the state agricultural production fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, in each existing capital improvement account of the state agricultural production 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the state agricultural production fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the state agricultural production fund for fiscal year 2017.

(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 2017, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parks rehabilitation and repair projects.....\$1,200,000

Debt service – Kansas City district office.....\$27,600  
*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the parks fee fund for fiscal year 2017.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2017, expenditures may be made by the above agency from the parks fee fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the parks fee fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the parks fee fund for fiscal year 2017.

(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 2017, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – Kansas City district office.....\$12,190  
 River access.....\$100,000  
 Coast guard boating projects.....\$200,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the boating fee fund for fiscal year 2017.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2017, expenditures may be made by the above agency from the boating fee fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the boating fee fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the boating fee fund for fiscal year 2017.

(k) 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 2017, expenditures may be made by the above agency from the boating safety and financial assistance fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the boating safety and financial assistance fund

for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the boating safety and financial assistance fund for fiscal year 2017.

(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 2017, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Shooting range development.....	\$250,000
Land acquisition.....	\$400,000
Federally mandated boating access .....	\$1,398,000
Public lands major maintenance.....	\$35,000
Debt service – Kansas City office.....	\$64,607

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the wildlife fee fund for fiscal year 2017.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2017, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the wildlife fee fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the wildlife fee fund for fiscal year 2017.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2017, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the wildlife conservation fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the wildlife conservation fund for fiscal year 2017.

(o) In addition to other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2017, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2017 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 limitations imposed on the cabin revenue fund for fiscal

year 2017.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2017, expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the cabin revenue fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the cabin revenue fund for fiscal year 2017.

(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 2017, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2017 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.....	\$675,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the wildlife restoration fund for fiscal year 2017.

(r) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2017, expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the wildlife restoration fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the wildlife restoration fund for fiscal year 2017.

(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 2017, 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 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Public lands major maintenance.....	\$100,000
Dam repairs.....	\$350,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the sport fish restoration program fund for fiscal year 2017.

(t) 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 2017, expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the sport fish restoration program fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the sport fish restoration program fund for fiscal year 2017.

(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 2017, 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 2017 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 limitations imposed on the migratory waterfowl propagation and protection fund for fiscal year 2017.

(v) 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 2017, expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the migratory waterfowl propagation and protection fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the migratory waterfowl propagation and protection fund for fiscal year 2017.

(w) 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 2017, expenditures may be made by the above agency from the nongame wildlife improvement fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the nongame wildlife improvement fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the nongame wildlife improvement fund for fiscal year 2017.

(x) 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 2017, expenditures may be made by the above agency from the plant and animal disease and pest control fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the plant and animal disease and pest control fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the plant and animal disease and pest control fund for fiscal year 2017.

(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 2017, 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 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Land and water conservation development.....\$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 2017.

(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 2017, expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the outdoor recreation acquisition, development and planning fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the outdoor recreation acquisition, development and planning fund for fiscal year 2017.

(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 2017, 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 2017 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 limitations imposed on the recreational trails program fund for fiscal year 2017.

(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 2017, expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the recreational trails program fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the recreational trails program fund for fiscal year 2017.

(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 2017, 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 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvements.....\$435,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the federally licensed wildlife areas fund for fiscal year 2017.

(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 2017, expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the federally licensed wildlife areas fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the federally licensed wildlife areas fund for fiscal year 2017.

(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 2017, expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the department of wildlife and parks gifts and donations fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the department of wildlife and parks gifts and donations fund for

fiscal year 2017.

(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 2017, expenditures may be made by the above agency from the highway planning/construction fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the highway planning/construction fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the highway planning/construction fund for fiscal year 2017.

(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 2017, expenditures may be made by the above agency from the state wildlife grants fund for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the state wildlife grants fund for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the state wildlife grants fund for fiscal year 2017.

(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 2017, expenditures may be made by the above agency from the disaster grants – public assistance for fiscal year 2017 from the unencumbered balance as of June 30, 2016, 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the disaster grants – public assistance for fiscal year 2017 and shall be in addition to any other expenditure limitations imposed on any such account of the disaster grants – public assistance for fiscal year 2017.

(ii) In addition to the other purposes for which expenditures may be made by the above agency from the nonfederal grants fund for fiscal year 2017, expenditures may be made by the above agency from the unencumbered balance as of June 30, 2016, in each capital improvement account of the nonfederal 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, 2016: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitations imposed on the nonfederal grants fund for fiscal year 2017 and shall be in addition to any other expenditure

limitations imposed on any such account of the nonfederal grants fund for fiscal year 2017.

Sec. 233. On July 1, 2015, K.S.A. 2014 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~~ 2016, notwithstanding the other provisions of this section, on March 1, ~~2013~~ 2016, 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~~ \$300,000 or the amount equal to 5% of the total gross receipts during fiscal year ~~2013~~ 2016 from state fair activities and non-fair days activities through March 1, ~~2013~~ 2016, except that, subject to approval by the director of the budget prior to March 1, ~~2013~~ 2016, 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~~ 2016, the state fair board may certify an amount on March 1, ~~2013~~ 2016, 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~~ 2016, 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~~ 2016. 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

(2) for the fiscal year ending June 30, ~~2014~~ 2017, notwithstanding the other provisions of this section, on March 1, ~~2014~~ 2017, 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~~ \$300,000 or the amount equal to 5% of the total gross receipts during fiscal year ~~2014~~ 2017 from state fair activities and non-fair days activities through March 1, ~~2014~~ 2017, except that, subject to approval by the director of the budget prior to March 1, ~~2014~~ 2017, 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~~ 2017, the state fair board may certify an amount on March 1, ~~2014~~ 2017, 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~~ 2017, 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~~ 2017. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification; ~~and~~

~~(3) for the fiscal year ending June 30, 2015, notwithstanding the other provisions of this section, on March 1, 2015, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$250,000 or the amount equal to 5% of the total gross receipts during fiscal year 2015 from state fair activities and non fair days activities through March 1, 2015, except that, subject to approval by the director of the budget prior to March 1, 2015, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2015, the state fair board may certify an amount on March 1, 2015, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2015, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2015. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.~~

(c) On each July 1, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund, an amount equal to the amount certified by the state fair board pursuant to subsection (b), except that: (1) No transfer from the state general fund under this subsection shall exceed \$300,000 in any fiscal year; ~~except for the fiscal year ending June 30, 2014, the transfer shall not exceed \$250,000, and for the fiscal year ending June 30, 2015, the transfer shall not exceed \$400,000; and (2) no moneys shall be transferred pursuant to this section from the state general fund to the state fair capital improvements fund during the fiscal year ending June 30, 2013 except for the fiscal years ending June 30, 2016, and June 30, 2017, the transfer shall not exceed \$100,000.~~

Sec. 234. On July 1, 2015, K.S.A. 2014 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. 2014 Supp. 12-5253 through 12-5255, and amendments thereto,

shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the Kansas housing resources corporation.

(b) (1) On July 1, ~~2013~~ 2016, on July 1, ~~2014~~ 2017, and on July 1, ~~2015~~ 2018, 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. 2014 Supp. 74-8959, and amendments thereto.

(2) Notwithstanding the provisions of K.S.A. 2014 Supp. 74-8959, and amendments thereto, to the contrary, during fiscal year ~~2013~~ 2016, fiscal year ~~2014~~ 2017, and fiscal year ~~2015~~ 2018, 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 11, 2016, January ~~13~~, 2014 9, 2017, and January ~~12~~, 2015 8, 2018, 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. 235. On July 1, 2015, K.S.A. 2014 Supp. 55-193, as amended by section 2 of 2015 House Bill No. 2231, 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, 2020, the director of accounts and reports shall transfer \$100,000 from the state general fund and \$200,000 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 no transfer shall be made pursuant to this section from the state general fund to the abandoned oil and gas well fund during state fiscal year 2016 or state fiscal year 2017.

Sec. 236. On July 1, 2015, K.S.A. 2014 Supp. 68-2320 is hereby amended to read as follows: 68-2320. (a) On and after July 1, 1991, the secretary of transportation is hereby authorized and empowered to issue bonds of the state of Kansas, payable solely from revenues accruing to the state highway fund and transferred to the highway bond debt service fund and pledged to their payment, for the purpose of providing funds to pay costs relating to construction, reconstruction, maintenance or improvement of highways in this state and to pay all expenses incidental thereto and to the bonds. The secretary is hereby authorized to issue bonds the total principal amount of which shall not exceed \$890,000,000.

(b) In addition to the provisions of subsection (a), on and after July 1, 1999, the secretary of transportation is hereby authorized and empowered to issue bonds of the state of Kansas, payable solely from revenues accruing to the state highway fund and transferred to the highway bond debt service fund and pledged to their payment, for the purpose of providing funds to pay costs relating to construction, reconstruction, maintenance or improvement of highways in this state and to pay all expenses incidental thereto and to the bonds. The secretary is hereby authorized to issue bonds the total principal amount of which shall not exceed \$1,272,000,000.

(c) (1) In addition to the provisions of subsections (a) and (b), on and after July 1, 2010, the secretary of transportation is hereby authorized and empowered to issue additional bonds of the state of Kansas, payable solely from revenues accruing to the state highway fund and transferred to the highway bond debt service fund and pledged to their payment, for the purpose of providing funds to pay costs relating to

construction, reconstruction, maintenance or improvement of highways in this state and to pay all expenses incidental thereto and to the bonds. Except as provided further, no bonds shall be issued by the secretary pursuant to this subsection unless the secretary certifies that, as of the date of issuance of any such series of additional bonds, the maximum annual debt service on all outstanding bonds issued pursuant to this section and K.S.A. 68-2328, and amendments thereto, including the bonds to be issued on such date, will not exceed 18% of projected state highway fund revenues for the current or any future fiscal year. During the fiscal year ending June 30, 2016, and the fiscal year ending June 30, 2017, the provisions of this subsection which prescribe a limitation on the amount of the maximum annual debt service on all outstanding bonds issued pursuant to this section and K.S.A. 68-2328, and amendments thereto, for the purpose of issuing any such series of additional bonds authorized by the secretary are hereby suspended.

(2) As used in this subsection:

(A) "Maximum annual debt service" means the maximum amount of debt service requirements on all outstanding bonds for the current or any future fiscal year;

(B) "debt service requirements" means, for each fiscal year, the aggregate principal and interest payments required to be made during such fiscal year on all outstanding bonds, including the additional bonds to be issued, less any interest subsidy payments expected to be received from the federal government, less any principal and interest payments irrevocably provided for from a dedicated escrow of United States government securities;

(C) "projected state highway fund revenues" means all revenues projected by the secretary of transportation to accrue to the state highway fund for the current or any future fiscal year; and

(D) "fiscal year" means the fiscal year of the state.

(3) Debt service requirements for variable rate bonds outstanding or proposed to be issued for the current or any future fiscal year for which the actual interest rate cannot be determined on the date of calculation shall be deemed to bear interest at an assumed rate equal to the average of the SIFMA swap index, or any successor variable rate index, for the immediately preceding five calendar years plus 1% and an amount determined by the secretary that represents the then current reasonable annual ancillary costs associated with variable rate debt, including credit enhancement, liquidity and remarketing costs; except that, debt service requirements for variable rate bonds that are hedged pursuant to an interest rate exchange or similar agreement that results in synthetic fixed rate debt shall be deemed to bear interest at the synthetic fixed rate plus .5% and an amount determined by the secretary that represents the then current reasonable annual ancillary costs associated with variable rate debt, including credit enhancement, liquidity and remarketing costs.

(4) Projected state highway fund revenues for the current or any future fiscal year for which the actual revenues cannot be determined on the date of calculation shall be deemed to be the actual revenues for the most recently completed fiscal year, adjusted in each subsequent fiscal year by a percentage equal to the historical average annual increase or decrease in revenues for the five fiscal year period prior to the current fiscal year, and further adjusted to take into account any increases or decreases in the statutory rates of any taxes or other charges or transfers that comprise a portion of the revenues.

(d) In accordance with procurement statutes, the secretary may contract with

financial advisors, attorneys and such other professional services as the secretary deems necessary to carry out the provisions of this act, and to do all things necessary or convenient to carry out the powers expressly granted in this act.

Sec. 237. On July 1, 2015, K.S.A. 2014 Supp. 74-50,107, as amended by section 57 of 2015 Senate Bill No. 4, 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 2015, and on the first day of each month thereafter during fiscal year 2013 2016, fiscal year 2014 2017, and fiscal year 2015 2018, 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. 2014 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 2016, 2017 and 2018 the aggregate amount that is credited to the job creation program fund pursuant to this subsection shall not exceed \$360,000 \$3,500,000 for such fiscal year.~~

(e) (b) ~~Commencing July 1, 2015 2018, 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. 2014 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. 2014 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. 238. On July 1, 2015, K.S.A. 2014 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. 2014 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~~ 2017.

(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(b)~~, 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. 75-3711(c)~~, 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~~ 2017.

(c) On and after July 1, 2013, through June 30, ~~2015~~ 2017, 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~~ 2017, 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**(b)**, 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 (e)~~ of K.S.A. 75-3711**(c)**, 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. 239. K.S.A. 2014 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. 2014 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), (i) ~~or~~ (j) or (k), 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 10<sup>th</sup> 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~~ 2016, fiscal year ~~2014~~ 2017 and fiscal year ~~2015~~ 2018, 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~~ 2016, fiscal year ~~2014~~ 2017 and fiscal year ~~2015~~ 2018,

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 year ending June 30, 2015, the aggregate amount that is directed to be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1) plus interest earnings pursuant to subsection (d)(1) shall not exceed \$13,000,000 for such fiscal year.

(i) During the fiscal year ending 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 \$13,000,000 for such fiscal year.

(~~h~~) (j) During the fiscal year ending June 30, ~~2015~~ 2017, 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 \$32,000,000 \$13,000,000 for such fiscal year.

(~~h~~) (k) During the fiscal year ending June 30, ~~2014~~ 2018, 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 \$13,000,000 for such fiscal year.

Sec. 240. On July 1, 2015, K.S.A. 2014 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, ~~2014~~ 2016, and the fiscal year ending June 30, ~~2015~~ 2017, 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 ~~2013 or 2014~~ 2015 or 2016 regular session of the legislature.

Sec. 241. On July 1, 2015, K.S.A. 2014 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. 2014 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~~, June 30, ~~2014~~ 2016, June 30, ~~2015~~ 2017, and June 30, ~~2016~~ 2018, 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 \$8,000,000 in fiscal year 2011 and in each fiscal year thereafter.

Sec. 242. On July 1, 2015, K.S.A. 2014 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~~, ~~June 30, 2014~~ 2016, ~~June 30, 2015~~ 2017, and ~~June 30, 2016~~ 2018, 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. 243. On July 1, 2015, K.S.A. 2014 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. 2014 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. 2014 Supp. 76-7,104, and amendments thereto, during the fiscal year ending ~~June 30, 2013~~, June 30, ~~2014~~ 2016, June 30, ~~2015~~ 2017, and June 30, ~~2016~~ 2018, 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. 244. On July 1, 2015, K.S.A. 2014 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 amendments thereto, during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years ~~2013, 2014, and 2015, 2016, 2017 and 2018~~; and (2) the amount of the transfer on each such date shall be \$27,000,000 during fiscal year ~~2016~~ 2019 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, except that all such transfers during fiscal year ~~2016~~ 2019 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. 245. On July 1, 2015, K.S.A. 2014 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, 2014, 2015 and 2016, 2017 and 2018~~. 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. 246. On July 1, 2015, K.S.A. 2014 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. 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. 2014 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; state fiscal year 2014 2016, state fiscal year 2015 2017, or state fiscal year 2016 2018~~; (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, 2017 and 2018~~ 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.

Sec. 247. On July 1, 2015, K.S.A. 2014 Supp. 79-34,156 is hereby amended to read as follows: 79-34,156. ~~On the effective date of this act, for the fiscal year ending June 30, 2014, the director of accounts and reports shall transfer \$200,000 from the state highway fund to the Kansas qualified biodiesel fuel producer incentive fund. No moneys shall be transferred from the state highway fund or from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund during the fiscal year ending June 30, 2015. On July 1, 2015, and quarterly thereafter, the director of accounts and reports shall transfer \$875,000 \$50,000 from the state highway fund to the Kansas qualified biodiesel fuel producer incentive fund. If sufficient moneys are not available in the state highway fund for such transfer on July 1, 2016, and on the first day of any calendar quarter thereafter, in any such fiscal year, then the director of accounts and reports shall transfer on such date the amount available in the state highway fund in accordance with this section and shall transfer on such date, or as soon thereafter as moneys are available therefor, the amount equal to the insufficiency from the state~~

~~general fund to the Kansas qualified biodiesel fuel producer incentive fund.~~

Sec. 248. On July 1, 2015, K.S.A. 2014 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; June 30, 2014~~ 2016, June 30, ~~2015~~ 2017, or June 30, ~~2016~~ 2018. 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. 2014 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. 2014 Supp. 79-34,170 through 79-34,175, and amendments thereto, shall be credited by the state treasurer to the state general fund.

Sec. 249. On July 1, 2015, K.S.A. 2014 Supp. 79-4804 is hereby amended to read as follows: 79-4804. (a) After the transfer of moneys pursuant to K.S.A. 2014 Supp. 79-4806, and amendments thereto, an amount equal to 85% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than  $\frac{1}{2}$  of such money shall be distributed equally among the congressional districts of the state. Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund which are created by this section.

(b) There is hereby created the Kansas capital formation account in the state economic development initiatives fund. All moneys credited to the Kansas capital formation account shall be used to provide, encourage and implement capital development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded through state educational institutions under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas

economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds which shall be used for economic development activities in Kansas, including, but not limited to, continuing appropriations or demand transfers for programs and projects which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the director of investments may invest and reinvest moneys credited to the state economic development initiatives fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in the pooled money investment portfolio. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development endowment account of the state economic development initiatives fund may be invested in government guaranteed loans and debentures as provided by law in addition to the investments authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) Except as provided further, in each fiscal year, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto. No moneys shall be transferred from the state economic development initiatives fund to the state water plan fund on such dates during state fiscal year ~~2014~~. ~~In state fiscal year 2015, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal \$800,000 from the state economic development initiatives fund to the state water plan fund~~ 2016, state fiscal year 2017 and state fiscal year 2018. 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. 250. On July 1, 2015, K.S.A. 2014 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 years ending June 30, ~~2013~~ 2016, June 30, ~~2014~~ 2017, and June 30, ~~2015~~ 2018.

Sec. 251. K.S.A. 2014 Supp. 74-99b34 and 74-99b34a are hereby repealed.

Sec. 252. On July 1, 2015, K.S.A. 2014 Supp. 2-223, 12-5256, 55-193, as amended by section 2 of 2015 House Bill No. 2231, 68-2320, 74-50,107, as amended by section 57 of 2015 Senate Bill No. 4, 74-8963, 75-6702, 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. 253. *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. 254. *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. 255. *Savings*. (a) Any unencumbered balance as of June 30, 2015, 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 2016 by this or any other appropriation act of the 2015 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2016, for the same use and purpose as the same was heretofore appropriated.

(b) Any unencumbered balance as of June 30, 2016, 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 2017 by this act or any other appropriation act of the 2015 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2017, 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. 256. (a) During the fiscal year ending June 30, 2016, 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 2015 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2016, 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, 2017, 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 2015 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2017, 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. 257. *Federal grants.* (a) During the fiscal year ending June 30, 2016, 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 2016 by this or other appropriation act of the 2015 regular session of the legislature, is hereby appropriated for fiscal year 2016, 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, 2017, 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 2017 by this or other appropriation act of the 2015 regular session of the legislature, is hereby appropriated for fiscal year 2017 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 2017, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2017.

(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 2016 and fiscal year 2017 by this act or any other appropriation act of the 2015 regular session of the legislature to apply for and receive federal grants during fiscal year 2016 and fiscal year 2017, 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. 258. (a) (1) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2015 regular session of the legislature, and having an unencumbered balance as of June 30, 2015, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2016, 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, 2014.

(b) (1) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2015 regular session of the legislature, and having an unencumbered balance as of June 30, 2016, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2017, 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, 2015.

Sec. 259. (a) (1) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2015 regular session of the legislature and having an unencumbered balance as of June 30, 2015, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2016, 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, 2014.

(b) (1) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2015 regular session of the legislature and having an unencumbered balance as of June 30, 2016, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2017, 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, 2015.

Sec. 260. (a) (1) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2015 regular session of the legislature and having an unencumbered balance as of June 30, 2015, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2016, 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, 2014.

(b) (1) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2015 regular session of the legislature and having an unencumbered balance as of June 30, 2016, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2017, 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, 2015.

Sec. 261. (a) Any transfers of money during the fiscal year ending June 30, 2016, 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, 2016.

(b) Any transfers of money during the fiscal year ending June 30, 2017, 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, 2017.";

Also on page 3, in line 40, by striking "statute book" and inserting "Kansas register";  
And by renumbering remaining section accordingly;

On page 1, in the title, by striking all in lines 1 through 3 and inserting "AN ACT making and concerning appropriations for fiscal years ending June 30, 2015, June 30, 2016, June 30, 2017, June 30, 2018, and June 30, 2019, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2014 Supp. 2-223, 12-5256, 55-193, as amended by section 2 of 2015 House Bill No. 2231, 68-2320, 74-50,107, as amended by section 57 of 2015 Senate Bill No. 4, 74-8963, 74-99b34, 75-6702, 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; also repealing K.S.A. 2014 Supp. 74-99b34a.";

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

RON RYCKMAN

SHARON SCHWARTZ

*Conferees on part of House*

TY MASTERSON

JIM DENNING

*Conferees on part of Senate*

Senator Masterson moved the Senate adopt the Conference Committee Report on **H Sub SB 112**.

On roll call, the vote was: Yeas 23; Nays 11; Present and Passing 4; Absent or Not Voting 2.

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

Nays: Baumgardner, Faust-Goudeau, Hensley, Holland, Kelly, McGinn, Ostmeyer, Pettey, Pyle, Schmidt, Tyson.

Present and Passing: Francisco, Haley, Hawk, Wolf.

Absent or Not Voting: Arpke, Olson.

The Conference Committee Report was adopted.

On motion of Senator Bruce, the Senate adjourned until 4:00 p.m., Monday, June 8, 2015.

# Journal of the Senate

EIGHTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, June 8, 2015, 4:00 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 31 senators present.

Senators Abrams, Arpke, Haley, Longbine, Masterson, McGinn, Melcher, Olson and Pettey were excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, Keeping the state is essential for the health of the nation. Yet, keeping the home is essential for the health of the state. Lord, the time is drawing near when we'll be paying more attention to the concerns of home. While many of us are caring for state concerns here in Topeka, we're simultaneously trying to care for home as well. Lord, the fact of Your omnipresence (Proverbs 15:3)...that You are everywhere at the same time ...gives us comforting assurance that home is in very capable hands. While we're here, we need You here. But it's also a blessing to know that You're there. Lord, as we're cognizant of Your omnipresence, keep us reminded of Your omniscience...Your knowledge (Hebrew 4:13) and Your omnipotence...Your power (Revelation 19:6.) Not only are You with us, wherever we are, but You know exactly what we need, and You have the power to provide every solution. Yet, the most blessed thought of all...the one we can truly put our trust in, is that Your love is guiding all that You do for us. Help us in these days, to walk in the reality of these truths. I come to You In the name of the greatest expression of Your love...in the name of Jesus. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## MESSAGES FROM THE GOVERNOR

**SB 34** approved on June 8, 2015.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

## CHANGE OF REFERENCE

The President withdrew **S Sub HB 2094** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Ways and Means**.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Tuesday, June 9, 2015.

# Journal of the Senate

EIGHTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, June 9, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 28 senators present.  
Senators Abrams, Arpke, Faust-Goudeau, Haley, Knox, LaTurner, Longbine, Love, Lynn, Melcher, Olson, and Pyle were excused.  
Invocation by Reverend Cecil T. Washington, accompanied by his wife, Audrey, delivered the The Lord's Prayer in song:

Our Father, which art in Heaven,  
Hallowed be Thy name.  
Thy kingdom come.  
Thy will be done, on earth, as it is in Heaven.  
Give us this day our daily bread.  
And forgive us our debts, as we forgive our debtors.  
And lead us not into temptation, but deliver us from evil:  
For thine is the kingdom, and the power, and the glory, forever. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## CHANGE OF REFERENCE

The President withdrew **S Sub HB 2094** from the Committee on **Ways and Means**, and rereferred to the calendar under the heading of **General Orders**.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

## MESSAGES FROM THE GOVERNOR

**H Sub SB 12; SB 113** approved on June 9, 2015

On motion of Senator Bruce, the Senate recessed until 5:00 p.m.

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

**REPORT ON ENROLLED BILLS**

**SB 206** reported correctly enrolled, properly signed and presented to the Governor on June 9, 2015.

**SR 1754** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on June 9, 2015.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, June 10, 2015.

# Journal of the Senate

EIGHTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, June 10, 2015, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 37 members present.  
Senators Lynn, Melcher and Olson were excused.  
Invocation by Reverend Cecil T. Washington:

Lord, These are the days that our faith is being tested. We need the faith that can move mountains. We need the giant killing kind of faith that David had. We need the internal braces of faith to withstand the stress of the external pressures. But sometimes Lord, when trouble keeps hanging on, it feels like our faith is just gone. In Hebrews 11:6, You said, without faith, it would be impossible to please You. And there are those of us with a shortage of faith. Your Word also says, Hebrews 12:2, that You are the Author and Finisher of our faith. So, through Your gracious intervention, meet each of us at the point of our need for more faith. Like You did with Enoch, in Genesis 5:22-24, give us faith enough to come to You. Then give us faith enough to stay and walk with You. And when our work down here is done, help us do like they did back in the old days. When you enjoyed the company of a friend, and didn't want it to end, you'd walk them home. That's our ultimate desire Lord. When it's all over down here, and You've kept us company each step of the way, we look forward to walking home with You. In Jesus name. Amen

The Pledge of Allegiance was led by Vice President King.

On motion of Senator Bruce, the Senate recessed until 5:00 p.m.

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

On motion of Senator Bruce, the Senate recessed until 8:00 p.m.

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

On motion of Senator Bruce, the Senate recessed until 10:30 p.m.

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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 270**.

The House concurs in Senate amendments to **HB 2010**, and requests return of the bill.

#### ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub HB 2094**.

#### 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:

The committee report on **HB 2094** recommending **S Sub HB 2094** be adopted, be amended by motion of Senator Bruce, 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 33; following line 33, by inserting:

"Section 1. K.S.A. 2014 Supp. 8-126, as amended by section 2 of 2015 House Bill No. 2044, is hereby amended to read as follows: 8-126. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

(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) "Autocycle" means a three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.

(c) "Commission" or "state highway commission" means the director of vehicles of the department of revenue.

(d) "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.

(e) "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.

(f) "Division" means the division of vehicles of the department of revenue.

(g) "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.

(h) "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.

(i) "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. 2014 Supp. 8-135d, and amendments thereto.

(j) "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.

(k) "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.

(l) "Farm trailer" means every trailer and semitrailer as those terms are defined in this section, designed and used primarily as a farm vehicle.

(m) "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.

(n) "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.

(o) "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.

(p) "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.

(q) "Lien" means a security interest as defined in this section.

(r) "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.

(s) "Manufacturer" means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(t) "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.

(u) "Motor vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.

(v) "Motorcycle" means every motor vehicle, including autocycles, 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.

(w) "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.

(x) "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.

(y) "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.

(z) "Nonresident" means every person who is not a resident of this state.

(aa) "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.

(bb) "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.

(cc) "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.

(dd) "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.

(ee) "Person" means every natural person, firm, partnership, association or corporation.

(ff) "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.

(gg) "Recreational off-highway vehicle" means any motor vehicle more than 50 but not greater than 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.~~

(hh) "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.

(ii) "Self-propelled farm implement" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(jj) "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.

(kk) "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.

(ll) "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.

(mm) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

(nn) "Truck" means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(oo) "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.

(pp) "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.

(qq) "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.

(rr) "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.

(ss) "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 nonhighway 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.

Sec. 2. K.S.A. 2014 Supp. 12-1744a is hereby amended to read as follows: 12-1744a. (a) At least seven days prior to the issuance of any revenue bonds, the city or county shall file a statement with the state ~~court~~ board of tax appeals of such proposed issuance containing the following information:

(1) The name of the city or county proposing to issue the revenue bonds, the lessee, the guarantor, if any, the paying or fiscal agent, the underwriter, if any, and all attorneys retained to render an opinion on the issue;

(2) a legal description of any property to be exempted from ad valorem taxes, including the city or county in which the facility will be located;

(3) the appraised valuation of the property to be exempted from ad valorem taxes as shown on the records of the county as of the next preceding January 1. Any listing of property shall not constitute a classification of the property. Classification of any property acquired during the tax exemption period shall be determined at the end of the exemption period in accordance with K.S.A. 2014 Supp. 79-262, and amendments thereto;

(4) the estimated total cost of the facility showing a division of such total cost between real and personal property;

(5) if the facility to be financed is an addition to or further improvement of an existing facility the cost of which was financed by revenue bonds issued under the provisions of this act, the date of issuance of such revenue bonds, and if such facility or any portion thereof is presently exempt from property taxation, the period for which the same is exempt;

(6) the principal amount of the revenue bonds to be issued;

(7) the amount of any payment to be made in lieu of taxes;

(8) an itemized list of service fees or charges to be paid by the lessee together with a detailed description of the services to be rendered therefor;

(9) a reasonably detailed description of the use of bond proceeds, including whether they will be used to purchase, acquire, construct, reconstruct, improve, equip, furnish, enlarge or remodel the facility in question; and

(10) the proposed date of issuance of such revenue bonds.

(b) Any change in the information or documents required to be filed pursuant to subsection (a) which does not materially adversely affect the security for the revenue

bond issue may be made within the fifteen-day period prior to issuance of the revenue bonds by filing the amended information or document with the state ~~court board~~ of tax appeals.

(c) Any notice required to be filed pursuant to the provisions of subsection (a) shall be accompanied by a filing fee, which shall be fixed by rules and regulations of the state ~~court board~~ of tax appeals, in an amount sufficient to defray the cost of reviewing the information and documents required to be contained in the notice.

(d) Information required to be filed by subsection (a) of this section shall be in addition to any filing required by K.S.A. 79-210, and amendments thereto.

(e) The state ~~court board~~ of tax appeals may require any information listed under subsection (a) deemed necessary, to be filed by a city or county concerning agreements entered into prior to the effective date of this act.

(f) The state ~~court board~~ of tax appeals shall prepare and compile annually a report containing the information required to be filed pursuant to subsection (a) for each issuance of revenue bonds made pursuant to K.S.A. 12-1740 et seq., and amendments thereto. Such report shall be published in convenient form for the use and information of the legislature, taxpayers, public officers and other interested parties, and shall be available on January 10 of each year.

Sec. 3. K.S.A. 2014 Supp. 12-4516 is hereby amended to read as follows: 12-4516.

(a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction and related arrest records if three or more years have elapsed since the person:

(A) Satisfied the sentence imposed; or

(B) was discharged from probation, parole or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement based on a violation of a city ordinance of this state may petition the court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of a violation of any ordinance that is prohibited by either ~~subsection (a) or (b) of~~ K.S.A. 2014 Supp. 12-16,134(a) or (b), and amendments thereto, and which was adopted prior to July 1, 2014, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records.

(c) Any person convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 21-3512, prior to its repeal, or a violation of K.S.A. 2014 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.

(d) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2014 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.

(e) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 8-1567, and amendments thereto.

(f) There shall be no expungement of convictions or diversions for a violation of a city ordinance which would also constitute a violation of K.S.A. 8-2,144, and amendments thereto.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(C) defendant's sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant's arrest, conviction or diversion; and

(F) identity of the convicting court, arresting law enforcement agency or diverting authority.

(2) A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section.

(3) Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall

have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the ~~department for children and families~~ Kansas department for aging and disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal

gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2014 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the arrest, conviction or diversion is to be disclosed; and

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged.

(j) 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.

(k) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of an offense has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such offense.

(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of the department for ~~children and families~~ aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the ~~department for children and families~~ Kansas department for aging and disability services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(12) the Kansas securities commissioner, or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(13) the attorney general, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act;

(14) the Kansas sentencing commission;

(15) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or

(16) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.

Sec. 4. K.S.A. 2014 Supp. 12-4516a is hereby amended to read as follows: 12-4516a. (a) Any person who has been arrested on a violation of a city ordinance of this state may petition the court for the expungement of such arrest record.

(b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is

filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. The petition shall state:

- (1) The petitioner's full name;
- (2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
- (3) the petitioner's sex, race and date of birth;
- (4) the crime for which the petitioner was arrested;
- (5) the date of the petitioner's arrest; and
- (6) the identity of the arresting law enforcement agency.

A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section, except that no fee shall be charged to a person who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or K.S.A. 2014 Supp. 21-6107, and amendments thereto. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding:

- (1) The arrest occurred because of mistaken identity;
- (2) a court has found that there was no probable cause for the arrest;
- (3) the petitioner was found not guilty in court proceedings;
- (4) the arrest was for a violation of any ordinance that is prohibited by either ~~subsection (a) or (b) of~~ K.S.A. 2014 Supp. 12-16,134(a) or (b), and amendments thereto, and which was adopted prior to July 1, 2014; or

(5) the expungement would be in the best interests of justice and: (A) Charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(5), the court shall determine whether, in the interest of public welfare, the records should be available for any of the following purposes:

(1) In any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the ~~department of social and rehabilitation~~ Kansas department for aging and disability services;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) to aid in determining the petitioner's qualifications for employment with the

Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(5) in any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

(f) The court shall make all expunged records and related information in such court's possession, created prior to, on and after July 1, 2011, available to the Kansas bureau of investigation for the purposes of:

(1) Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(2) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(g) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

(h) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

Sec. 5. K.S.A. 2014 Supp. 17-7673 is hereby amended to read as follows: 17-7673.

(a) In order to form a limited liability company, one or more authorized persons must execute articles of organization. The articles of organization shall be filed with the secretary of state and set forth:

(1) The name of the limited liability company;

(2) the address of the registered office and the name and address of the resident agent for service of process required to be maintained by K.S.A. ~~17-7666~~ 2014 Supp. 17-7924 and 17-7925, and amendments thereto;

(3) any other matters the members determine to include therein;

(4) if the limited liability company is organized to exercise the powers of a professional association or professional corporation, each such profession shall be stated; and

(5) if the limited liability company will have series, the matters required by K.S.A. 17-76,143, and amendments thereto.

(b) ~~A limited liability company is formed at the time of the filing of the initial~~

~~articles of organization with the secretary of state or at any later date or time specified in the articles of organization which is not later than 90 days after the date of filing, if, in either case, there has been substantial compliance with the requirements of this section.~~ A limited liability company formed under this act shall be a separate legal entity, the existence of which as a separate legal entity shall continue until cancellation of the limited liability company's articles of organization.

(c) An operating agreement shall be entered into or otherwise existing either before, after or at the time of the filing of the articles of organization and, whether entered into or otherwise existing before, after or at the time of such filing, may be made effective as of the effective time of such filing or at such other time or date as provided in or reflected by the operating agreement.

(d) The articles of organization shall be amended as provided in a certificate of amendment or judicial decree of amendment upon the filing of the certificate of amendment or judicial decree of amendment with the secretary of state or upon the future effective date specified in the certificate of amendment.

(e) Upon filing the articles of organization of a limited liability company organized to exercise powers of a professional association or professional corporation, the limited liability company shall file with the secretary of state a certificate by the licensing body, as defined in K.S.A. 74-146, and amendments thereto, of the profession involved that each of the members is duly licensed to practice that profession, and that the proposed company name has been approved.

Sec. 6. K.S.A. 2014 Supp. 17-7674 is hereby amended to read as follows: 17-7674.

(a) Articles of organization are amended by filing a certificate of amendment thereto with the secretary of state. The certificate of amendment shall set forth:

- (1) The name of the limited liability company; and
- (2) the amendment to the articles of organization.

(b) A manager or, if there is no manager, then any member who becomes aware that any statement in the articles of organization was false in any material respect when made, or that any matter described has changed making the articles of organization false in any material respect, shall promptly amend the articles of organization.

(c) Articles of organization may be amended at any time for any other proper purpose.

~~(d) Unless otherwise provided in this act or unless a later effective date or time, which shall be a date or time certain within 90 days of the date of filing, is provided for in the certificate of amendment, a certificate of amendment shall be effective at the time of its filing with the secretary of state.~~

Sec. 7. K.S.A. 2014 Supp. 17-7677 is hereby amended to read as follows: 17-7677.

~~(a) If a person required to execute articles of organization or a certificate required by K.S.A. 17-7673 through 17-7683, and amendments thereto, fails or refuses to do so, any other person who is adversely affected by the failure or refusal may petition the district court to direct the execution of the articles of organization or certificate. If the court finds that the execution of the articles of organization or certificate is proper and that any person so designated has failed or refused to execute the articles of organization or certificate, it shall order the secretary of state to record appropriate articles of organization or a certificate.~~

~~(b) If a person required to execute an operating agreement or amendment thereof fails or refuses to do so, any other person who is adversely affected by the failure or~~

refusal may petition the district court to direct the execution of the operating agreement or amendment thereof. If the court finds that the operating agreement or amendment thereof should be executed and that any person required to execute the operating agreement or amendment thereof has failed or refused to do so, it shall enter an order granting appropriate relief.

Sec. 8. K.S.A. 2014 Supp. 38-2310 is hereby amended to read as follows: 38-2310.

(a) All records of law enforcement officers and agencies and municipal courts concerning an offense committed or alleged to have been committed by a juvenile under 14 years of age shall be kept readily distinguishable from criminal and other records and shall not be disclosed to anyone except:

(1) The judge of the district court and members of the staff of the court designated by the judge;

(2) parties to the proceedings and their attorneys;

(3) the Kansas department for children and families;

(4) the juvenile's court appointed special advocate, any officer of a public or private agency or institution or any individual having custody of a juvenile under court order or providing educational, medical or mental health services to a juvenile;

(5) any educational institution, to the extent necessary to enable the educational institution to provide the safest possible environment for its pupils and employees;

(6) any educator, to the extent necessary to enable the educator to protect the personal safety of the educator and the educator's pupils;

(7) law enforcement officers or county or district attorneys, or their staff, when necessary for the discharge of their official duties;

(8) the central repository, as defined by K.S.A. 22-4701, and amendments thereto, for use only as a part of the juvenile offender information system established under K.S.A. 2014 Supp. 38-2326, and amendments thereto;

(9) juvenile intake and assessment workers;

(10) ~~the juvenile justice authority~~ department of corrections;

(11) juvenile community corrections officers;

(12) any other person when authorized by a court order, subject to any conditions imposed by the order; and

(13) as provided in subsection (c).

(b) The provisions of this section shall not apply to records concerning:

(1) A violation, by a person 14 or more years of age, of any provision of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, or of any city ordinance or county resolution which relates to the regulation of traffic on the roads, highways or streets or the operation of self-propelled or nonself-propelled vehicles of any kind;

(2) a violation, by a person 16 or more years of age, of any provision of chapter 32 of the Kansas Statutes Annotated, and amendments thereto; or

(3) an offense for which the juvenile is prosecuted as an adult.

(c) All records of law enforcement officers and agencies and municipal courts concerning an offense committed or alleged to have been committed by a juvenile 14 or more years of age shall be subject to the same disclosure restrictions as the records of adults. Information identifying victims and alleged victims of sex offenses, as defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6419 through 21-6421, and amendments thereto, shall not be disclosed or open to public

inspection under any circumstances. Nothing in this section shall prohibit the victim or any alleged victim of any sex offense from voluntarily disclosing such victim's identity.

(d) Relevant information, reports and records, shall be made available to the department of corrections upon request and a showing that the former juvenile has been convicted of a crime and placed in the custody of the secretary of corrections.

(e) All records, reports and information obtained as a part of the juvenile intake and assessment process for juveniles shall be confidential, and shall not be disclosed except as provided by statutory law and rules and regulations promulgated by the commissioner thereunder.

(1) Any court of record may order the disclosure of such records, reports and other information to any person or entity.

(2) The head of any juvenile intake and assessment program, certified by the commissioner of juvenile justice, may authorize disclosure of such records, reports and other information to:

(A) A person licensed to practice the healing arts who has before that person a juvenile whom the person reasonably suspects may be abused or neglected;

(B) a court-appointed special advocate for a juvenile or an agency having the legal responsibility or authorization to care for, treat or supervise a juvenile;

(C) a parent or other person responsible for the welfare of a juvenile, or such person's legal representative, with protection for the identity of persons reporting and other appropriate persons;

(D) the juvenile, the attorney and a guardian ad litem, if any, for such juvenile;

(E) the police or other law enforcement agency;

(F) an agency charged with the responsibility of preventing or treating physical, mental or emotional abuse or neglect or sexual abuse of children, if the agency requesting the information has standards of confidentiality as strict or stricter than the requirements of the Kansas code for care of children or the revised Kansas juvenile justice code, whichever is applicable;

(G) members of a multidisciplinary team under this code;

(H) an agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a child who is the subject of a report or record of child abuse or neglect;

(I) any individual, or public or private agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a juvenile who is the subject of a report or record of child abuse or neglect, specifically including the following: Physicians, psychiatrists, nurses, nurse practitioners, psychologists, licensed social workers, child development specialists, ~~physicians'~~ physician assistants, community mental health workers, alcohol and drug abuse counselors and licensed or registered child care providers;

(J) a citizen review board pursuant to K.S.A. 2014 Supp. 38-2207, and amendments thereto;

(K) an educational institution to the extent necessary to enable such institution to provide the safest possible environment for pupils and employees of the institution;

(L) any educator to the extent necessary for the protection of the educator and pupils; and

(M) any juvenile intake and assessment worker of another certified juvenile intake and assessment program.

Sec. 9. K.S.A. 2014 Supp. 65-2895 is hereby amended to read as follows: 65-2895.  
 (a) There is hereby created an institutional license which may be issued by the board to a person who:

(1) Is a graduate of an accredited school of medicine or osteopathic medicine or a school which ~~has been in operation for not less than 15 years and the graduates of which~~ have been licensed in another state or states which have standards similar to Kansas;

(2) has completed at least two years in a postgraduate training program in the United States approved by the board; and

(3) who is employed as provided in this section.

(b) Subject to the restrictions of this section, the institutional license shall confer upon the holder the right and privilege to practice medicine and surgery and shall obligate the holder to comply with all requirements of such license.

(c) The practice privileges of institutional license holders are restricted and shall be valid only during the period in which:

(1) The holder is employed by any institution within the ~~department of social and rehabilitation~~ Kansas department for aging and disability services, employed by any institution within the department of corrections or employed pursuant to a contract entered into by the ~~department of social and rehabilitation~~ Kansas department for aging and disability services or the department of corrections with a third party, and only within the institution to which the holder is assigned; and

(2) the holder has been employed for at least three years as described in subsection (c)(1) and is employed to provide mental health services in Kansas in the employ of a Kansas licensed community mental health center, or one of its contracted affiliates, or a federal, state, county or municipal agency, or other political subdivision, or a contractor of a federal, state, county or municipal agency, or other political subdivision, or a duly chartered educational institution, or a medical care facility licensed under K.S.A. 65-425 et seq., and amendments thereto, in a psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto, or a contractor of such educational institution, medical care facility or psychiatric hospital, and whose practice, in any such employment, is limited to providing mental health services, is a part of the duties of such licensee's paid position and is performed solely on behalf of the employer; ~~or~~

~~(3) the holder has been employed for at least three years as described in subsection (c)(1) and is providing mental health services pursuant to a written protocol with a person who holds a license to practice medicine and surgery other than an institutional license.~~

(d) An institutional license shall expire on the date established by rules and regulations of the board which may provide for renewal throughout the year on a continuing basis. In each case in which an institutional license is renewed for a period of time of more or less than 12 months, the board may prorate the amount of the fee established under K.S.A. 65-2852, and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the prescribed fee, which shall be paid not later than the expiration date of the license. An institutional license shall be valid for a period of two years after the date of issuance and may be renewed for an additional two-year periods one-year period if the applicant for renewal meets the requirements under subsection (c) ~~of this section~~, has submitted an application for renewal on a form provided by the board, has paid the renewal fee

established by rules and regulations of the board of not to exceed \$500 and has submitted evidence of satisfactory completion of a program of continuing education required by the board. In addition, an applicant for renewal who is employed as described in subsection (c)(1) shall submit with the application for renewal a recommendation that the institutional license be renewed signed by the superintendent of the institution to which the institutional license holder is assigned.

(e) Nothing in this section shall prohibit any person who was issued an institutional license prior to the effective date of this ~~act~~ section from having the institutional license reinstated by the board if the person meets the requirements for an institutional license described in subsection (a).

(f) This section shall be a part of and supplemental to the Kansas healing arts act.

Sec. 10. K.S.A. 2014 Supp. 74-4911f is hereby amended to read as follows: 74-4911f. (a) Subject to procedures or limitations prescribed by the governor, any person who is not an employee and who becomes a state officer may elect to not become a member of the system. The election to not become a member of the system must be filed within 90 days of assuming the position of state officer. Such election shall be irrevocable. If such election is not filed by such state officer, such state officer shall be a member of the system.

(b) Any such state officer who is a member of the Kansas public employees retirement system, on or after the effective date of this act, may elect to not be a member by filing an election with the office of the retirement system. The election to not become a member of the system must be filed within 90 days of assuming the position of state officer. If such election is not filed by such state officer, such state officer shall be a member of the system.

(c) Subject to limitations prescribed by the board, the state agency employing any employee who has filed an election as provided under subsection (a) or (b) and who has entered into an employee participation agreement, as provided in K.S.A. 2014 Supp. 74-49b10, and amendments thereto, for deferred compensation pursuant to the Kansas public employees deferred compensation plan shall contribute to such plan on such employee's behalf an amount equal to 8% of the employee's salary, as such salary has been approved pursuant to K.S.A. 75-2935b, and amendments thereto, or as otherwise prescribed by law. With regard to a state officer who is a member of the legislature who has retired pursuant to the Kansas public employees retirement system and who files an election as provided in this section, employee's salary means per diem compensation as provided by law as a member of the legislature.

(d) As used in this section and K.S.A. 74-4927k, and amendments thereto, "state officer" means the secretary of administration, secretary ~~on aging for aging and disability services~~, secretary of commerce, secretary of corrections, secretary of health and environment, secretary of labor, secretary of revenue, secretary ~~of social and rehabilitation services for children and families~~, secretary of transportation, secretary of wildlife, parks and tourism, superintendent of the Kansas highway patrol, secretary of agriculture, executive director of the Kansas lottery, executive director of the Kansas racing commission, president of the Kansas development finance authority, state fire marshal, state librarian, securities commissioner, adjutant general, members and chief hearing officer of the state board of tax appeals, members of the state corporation commission, any unclassified employee on the staff of officers of both houses of the legislature, any unclassified employee appointed to the governor's or lieutenant

governor's staff, any person employed by the legislative branch of the state of Kansas, other than any such person receiving service credited under the Kansas public employees retirement system or any other retirement system of the state of Kansas therefor, who elected to be covered by the provisions of this section as provided in ~~subsection (e)~~ of K.S.A. 46-1302~~(e)~~, and amendments thereto, or who is first employed on or after July 1, 1996, by the legislative branch of the state of Kansas and any member of the legislature who has retired pursuant to the Kansas public employees retirement system.

(e) The provisions of this section shall not apply to any state officer who has elected to remain eligible for assistance by the state board of regents as provided in ~~subsection (a)~~ of K.S.A. 74-4925~~(a)~~, and amendments thereto.

Sec. 11. K.S.A. 2014 Supp. 74-4914d, as amended by section 2 of 2015 Senate Bill No. 228, is hereby amended to read as follows: 74-4914d. (1) Any additional cost resulting from the normal retirement date and retirement before such normal retirement date for security officers as provided in K.S.A. 74-4914c, and amendments thereto, and disability benefits as provided in K.S.A. 74-4914e, and amendments thereto, shall be added to the employer rate of contribution for the department of corrections as otherwise determined under K.S.A. 74-4920, and amendments thereto, except that the employer rate of contribution for the department of corrections including any such additional cost added to such employer rate of contribution pursuant to this section shall in no event exceed the employer rate of contribution for the department of corrections for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which security officers contribute during the period: (a) For the fiscal year commencing in calendar years 2010 through 2012, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (b) for the fiscal year commencing in calendar year 2013, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (c) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (d) for the fiscal year commencing in calendar year 2015, the employer rate of contribution shall be 10.91%, except that if bonds issued pursuant to section 1 of 2015 Senate Bill No. 228, and amendments thereto, have debt service payments that are fully or partially financed through the use of capitalized interest, or have capitalized interest-only debt service payments, the employer rate of contribution shall be an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; (e) for the fiscal year commencing in calendar year 2016, the employer rate of contribution shall be 10.81%, except that if bonds issued pursuant to section 1 of 2015 Senate Bill No. 228, and amendments thereto, have debt service payments that are fully or partially financed through the use of capitalized interest, or have capitalized interest-only debt service payments, the employer rate of contribution shall be an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year; and (f) in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year, without regard to the employer rate of contribution in subsection (2). As used in this section, "capitalized interest" means interest payments on the bonds that are pre-funded or financed from bond proceeds as part of the issue for a specified period of time in order to offset one or more initial debt service payments.

(2) On and after the effective date of this act, notwithstanding the employer rate of

contribution determined under K.S.A. 74-4920(1)(a), and amendments thereto, and subsection (1), the employer rate of contribution for employees covered by this section shall be 8.65% expressed as a percentage of compensation for payroll periods chargeable to the last six months of the fiscal year ending June 30, 2015.

Sec. 12. K.S.A. 2014 Supp. 74-4920, as amended by section 3 of 2015 Senate Bill No. 228, is hereby amended to read as follows: 74-4920. (1) (a) Upon the basis of each annual actuarial valuation and appraisal as provided for in K.S.A. 74-4908(3)(a), and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution which will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities which shall exist or accrue under the system, including amortization of the actuarial accrued liability as determined by the board. The board shall determine the actuarial cost method to be used in annual actuarial valuations, to determine the employer contribution rates that shall be certified by the board. Such certified rate of contribution, amortization methods and periods and actuarial cost method shall be based on the standards set forth in K.S.A. 74-4908(3)(a), and amendments thereto, and shall not be based on any other purpose outside of the needs of the system.

(b) (i) For employers affiliating on and after January 1, 1999, upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908, and amendments thereto, the board shall certify, on or before July 15 of each year to each such employer an actuarially determined estimate of the rate of contribution which shall be required to be paid by each such employer to pay all of the liabilities which shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be termed the employer's participating service contribution and shall be uniform for all participating employers. Such additional liability shall be amortized as determined by the board. For all participating employers described in this section, the board shall determine the actuarial cost method to be used in annual actuarial valuations to determine the employer contribution rates that shall be certified by the board.

(ii) The board shall determine for each such employer separately an amount sufficient to amortize all liabilities for prior service costs which shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each such employer separately an actuarially determined estimate of the rate of contribution which shall be required to be paid by that employer to pay all of the liabilities for such prior service costs. Such rate shall be termed the employer's prior service contribution.

(2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation.

(3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each

political subdivision, other than an instrumentality of the state, which is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act and, in the case of cities and counties, 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, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102, and amendments thereto. Each participating employer which is not by law authorized to levy taxes as described above, but which prepares a budget for its expenses for the ensuing year and presents the same to a governing body which is authorized by law to levy taxes as described above, may include in its budget an amount sufficient to make its contributions under this act which may be in addition to all other taxes authorized by law. Such governing body to which the budget is submitted for approval, may levy a tax sufficient to allow the participating employer to make its contributions under this act, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act.

(5) (a) The rate of contribution certified to a participating employer as provided in this section shall apply during the fiscal year of the participating employer which begins in the second calendar year following the year of the actuarial valuation.

(b) (i) Except as specifically provided in this section, for fiscal years commencing in calendar year 1996 and in each subsequent calendar year, the rate of contribution certified to the state of Kansas shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than 0.2% of the amount of compensation upon which members contribute during the period.

(ii) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to the state of Kansas and to the participating employers under K.S.A. 74-4931, and amendments thereto, shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar years 2010 through 2012, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2013, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2015, the employer rate of contribution shall be 10.91%, except that if bonds issued pursuant to section 1 of 2015 Senate Bill No. 228, and amendments thereto, have debt service payments that are fully or partially financed through the use of capitalized interest, or have capitalized interest-only debt service payments, the employer rate of contribution shall be an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; (E) for the fiscal year commencing in calendar year 2016, the employer rate of contribution shall be 10.81%, except that if bonds issued pursuant to section 1 of 2015 Senate Bill No. 228, and amendments

thereto, have debt service payments that are fully or partially financed through the use of capitalized interest, or have capitalized interest-only debt service payments, the employer rate of contribution shall be an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year; and (F) in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year, without regard to the rate of employer contribution in subsection (17). As used in this subsection, "capitalized interest" means interest payments on the bonds that are pre-funded or financed from bond proceeds as part of the issue for a specified period of time in order to offset one or more initial debt service payments.

(iii) Except as specifically provided in this section, for fiscal years commencing in calendar year 1997 and in each subsequent calendar year, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed such participating employer's contribution rate for the immediately preceding fiscal year by more than 0.15% of the amount of compensation upon which members contribute during the period.

(iv) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed the contribution rate for such employers for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar years 2010 through 2013, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2016, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2017, and in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year.

(v) As part of the annual actuarial valuation, there shall be a separate employer rate of contribution calculated for the state of Kansas, a separate employer rate of contribution calculated for participating employers under K.S.A. 74-4931, and amendments thereto, a combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, and a separate employer rate of contribution calculated for all other participating employers.

(vi) There shall be a combined employer rate of contribution certified to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto. There shall be a separate employer rate of contribution certified to all other participating employers.

(vii) If the combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, is greater than the separate employer rate of contribution for the state of Kansas, the difference in the two rates applied to the actual payroll of the state of Kansas for the applicable fiscal year shall be calculated. This amount shall be certified by the board for

deposit as additional employer contributions to the retirement benefit accumulation reserve for the participating employers under K.S.A. 74-4931, and amendments thereto.

(6) The actuarial cost of any legislation enacted in the 1994 session of the Kansas legislature will be included in the June 30, 1994, actuarial valuation in determining contribution rates for participating employers.

(7) The actuarial cost of the provisions of K.S.A. 74-4950i, and amendments thereto, will be included in the June 30, 1998, actuarial valuation in determining contribution rates for participating employers. The actuarial accrued liability incurred for the provisions of K.S.A. 74-4950i, and amendments thereto, shall be amortized over 15 years.

(8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature, except the actuarial cost of K.S.A. 74-49,114a, and amendments thereto, shall be in addition to the employer contribution rates certified for the employer contribution rate in the fiscal year immediately following such enactment. Such actuarial cost shall be determined by the qualified actuary employed or retained by the system pursuant to K.S.A. 74-4908, and amendments thereto, and reported to the system and the joint committee on pensions, investments and benefits.

(9) Notwithstanding the provisions of subsection (8), the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be first reflected in employer contribution rates effective with the first day of the first payroll period for the fiscal year 2005. The actuarial accrued liability incurred for the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be amortized over 10 years.

(10) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 2014 Supp. 74-49,114b, and amendments thereto, for retirants other than local retirants as described in subsection (11) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2007.

(11) The actuarial accrued liability incurred for the provisions of K.S.A. 2014 Supp. 74-49,114b, and amendments thereto, for the KPERS local group and retirants who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(12) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 2014 Supp. 74-49,114c, and amendments thereto, for retirants other than local retirants as described in subsection (13) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2008.

(13) The actuarial accrued liability incurred for the provisions of K.S.A. 2014 Supp. 74-49,114c, and amendments thereto, for the KPERS local group and retirants who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(14) The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912, and amendments thereto, at rates different from the rate fixed for employers joining within one year of the first entry date.

(15) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

(16) Notwithstanding any provision of law to the contrary, each participating employer shall remit quarterly, or as the board may otherwise provide, all employee

deductions and required employer contributions to the executive director for credit to the Kansas public employees retirement fund within three days after the end of the period covered by the remittance by electronic funds transfer. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection shall be subject to interest at the rate established for interest on judgments under K.S.A. 16-204(a), and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

(17) On and after the effective date of this act, notwithstanding the employer rate of contribution determined under subsection (1)(a), for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, the employer rate of contribution for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, shall be 8.65% expressed as a percentage of compensation for payroll periods chargeable to the last six months of the fiscal year ending June 30, 2015.

Sec. 13. K.S.A. 2014 Supp. 75-37,121 is hereby amended to read as follows: 75-37,121. (a) There is created the office of administrative hearings within the department of administration, to be headed by a director appointed by the secretary of administration. The director shall be in the unclassified service under the Kansas civil service act.

(b) The office may employ or contract with presiding officers, court reporters and other support personnel as necessary to conduct proceedings required by the Kansas administrative procedure act for adjudicative proceedings of the state agencies, boards and commissions specified in subsection (h). The office shall conduct adjudicative proceedings of any state agency which is specified in subsection (h) when requested by such agency. Only a person admitted to practice law in this state or a person directly supervised by a person admitted to practice law in this state may be employed as a presiding officer. The office may employ regular part-time personnel. Persons employed by the office shall be under the classified civil service.

(c) If the office cannot furnish one of its presiding officers within 60 days in response to a requesting agency's request, the director shall designate in writing a full-time employee of an agency other than the requesting agency to serve as presiding officer for the proceeding, but only with the consent of the employing agency. The designee must possess the same qualifications required of presiding officers employed by the office.

(d) The director may furnish presiding officers on a contract basis to any governmental entity to conduct any proceeding other than a proceeding as provided in subsection (h).

(e) The secretary of administration may adopt rules and regulations:

(1) To establish procedures for agencies to request and for the director to assign presiding officers. An agency may neither select nor reject any individual presiding officer for any proceeding except in accordance with the Kansas administrative procedure act;

(2) to establish procedures and adopt forms, consistent with the Kansas administrative procedure act, the model rules of procedure, and other provisions of law, to govern presiding officers; and

(3) to facilitate the performance of the responsibilities conferred upon the office by the Kansas administrative procedure act.

(f) The director may implement the provisions of this section and rules and regulations adopted under its authority.

(g) The secretary of administration may adopt rules and regulations to establish fees to charge a state agency for the cost of using a presiding officer.

(h) The following state agencies, boards and commissions shall utilize the office of administrative hearings for conducting adjudicative hearings under the Kansas administrative procedures act in which the presiding officer is not the agency head or one or more members of the agency head:

(1) On and after July 1, 2005: ~~Department of social and rehabilitation services~~ Kansas department for children and families, juvenile justice authority, ~~department on aging~~, Kansas department for aging and disability services, department of health and environment, Kansas public employees retirement system, Kansas water office, Kansas department of agriculture division of animal health and Kansas insurance department.

(2) On and after July 1, 2006: Emergency medical services board, emergency medical services council and Kansas human rights commission.

(3) On and after July 1, 2007: Kansas lottery, Kansas racing and gaming commission, state treasurer, pooled money investment board, Kansas department of wildlife, parks and tourism and state board of tax appeals.

(4) On and after July 1, 2008: Department of human resources, state corporation commission, Kansas department of agriculture division of conservation, agricultural labor relations board, department of administration, department of revenue, board of adult care home administrators, Kansas state grain inspection department, board of accountancy and Kansas wheat commission.

(5) On and after July 1, 2009, all other Kansas administrative procedure act hearings not mentioned in subsections (1), (2), (3) and (4).

(i) (1) Effective July 1, 2005, any presiding officer in agencies specified in subsection (h)(1) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(2) Effective July 1, 2006, any presiding officer in agencies specified in subsection (h)(2) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state

which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(3) Effective July 1, 2007, any presiding officer in agencies specified in subsection (h)(3) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(4) Effective July 1, 2008, any full-time presiding officer in agencies specified in subsection (h)(4) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(5) Effective July 1, 2009, any full-time presiding officer in agencies specified in subsection (h)(5) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment occurred.

Sec. 14. K.S.A. 2014 Supp. 76-1936 is hereby amended to read as follows: 76-

1936. (a) The commissioner of ~~mental health and developmental disabilities~~ community services and programs of the Kansas department for aging and disability services, with the approval of the secretary for aging and disability services and the director of the Kansas commission on veterans affairs office, may transfer patients in the state hospitals at ~~Topeka~~, Osawatomie and Larned and patients in the Rainbow mental health facility; and the Parsons state hospital and training center ~~and the Winfield state hospital and training center~~ who have served in the military or naval forces of the United States or whose husband, wife, father, son or daughter has served in the active military or naval service of the United States during any period of any war as defined in K.S.A. 76-1908, and amendments thereto, and who was discharged or relieved therefrom under conditions other than dishonorable, to the Kansas soldiers' home. No patient who is such a mentally ill person, in the opinion of the commissioner of mental health and developmental disabilities, that because of such patient's illness such patient is likely to injure themselves or others, shall be so transferred to such Kansas soldiers' home, and no such patient shall be so transferred if such transfer will deny admission to persons entitled to admission under K.S.A. 76-1908, and amendments thereto, and rules and regulations promulgated thereunder. Persons so transferred shall not be considered as members of the Kansas soldiers' home but shall be considered as patients therein.

(b) All of the laws, rules and regulations relating to patients in the above-specified state hospitals and mental health facility shall be applicable to such patients so transferred insofar as the same can be made applicable. Any patient so transferred who is found to be or shall become such a mentally ill person, in the opinion of the commissioner of mental health and developmental disabilities, that because of such patient's illness such patient is likely to injure themselves or others or who is determined to need additional psychiatric treatment, shall be retransferred by the superintendent of the Kansas soldiers' home, with the approval of the commissioner of mental health and developmental disabilities and the director of the Kansas commission on veterans affairs office, to the institution from whence the patient was originally transferred.

Sec. 15. K.S.A. 2014 Supp. 79-1609 is hereby amended to read as follows: 79-1609. Any person aggrieved by any order of the hearing officer or panel, or by the classification and appraisal of an independent appraiser, as provided in K.S.A. 2014 Supp. 79-5b03, and amendments thereto, may appeal to the state board of tax appeals by filing a written notice of appeal, on forms approved by the state board 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 board 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. The notice of appeal may be signed by the taxpayer, any person with an executed declaration of representative form from the property valuation division of the department of revenue or any person authorized to represent the taxpayer in ~~subsection (f) of K.S.A. 74-2433(f)~~, and amendments thereto. A county or district appraiser may appeal to the state board of tax appeals from any order of the hearing officer or panel. With regard to any matter properly submitted to the board 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. With regard to leased commercial and industrial property, the burden of proof shall be on the taxpayer 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 a complete income and expense statement for the property for the three years next preceding the year of appeal. Such income and expense statement shall be in such format that is regularly maintained by the taxpayer in the ordinary course of the taxpayer's business. If the taxpayer submits a single property appraisal with an effective date of January 1 of the year appealed, the burden of proof shall return to the county appraiser.

Sec. 16. K.S.A. 2014 Supp. 79-1703 is hereby amended to read as follows: 79-1703. (a) Except as provided in subsection (b) or as otherwise provided by law, no board of county commissioners or other officer of any county shall have power to release, discharge or remit 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 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~~ board 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~~ board 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. 17. K.S.A. 2013 Supp. 38-2310, as amended by section 2 of chapter 131 of the 2014 Session Laws of Kansas and 65-2895, as amended by section 36 of chapter 131 of the 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 8-126, as amended by section 1 of 2015 Senate Bill No. 73, 8-126, as amended by section 2 of House Bill No. 2044, 9-1111, as amended by section 8 of 2015 House Bill No. 2216, 9-1215, as amended by section 1 of 2015 Senate Substitute for House Bill No. 2258, 9-1216, as amended by section 2 of 2015 Senate Substitute for House Bill No. 2258, 12-1744a, 12-1744f, 12-4516, 12-4516a, 12-4516b, 12-4516c, 17-7673, 17-7673a, 17-7674, 17-7674a, 17-7677, 17-7677a, 20-380a, 38-2310, 65-2895, 74-4911f, 74-4911j, 74-4914d, as amended by

section 2 of 2015 Senate Bill No. 228, 74-4914d, as amended by section 55 of 2015 House Substitute for Senate Bill No. 4, 74-4920, as amended by section 3 of 2015 Senate Bill No. 228, 74-4920, as amended by section 56 of 2015 House Substitute for Senate Bill No. 4, 74-99b34a, 75-37,121, 75-37,121b, 76-1936, 76-1936a, 79-1609, 79-1609a, 79-1703 and 79-1703a are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "reconciling amendments to certain statutes; amending K.S.A. 2014 Supp. 8-126, as amended by section 2 of 2015 House Bill No. 2044, 12-1744a, 12-4516, 12-4516a, 17-7673, 17-7674, 17-7677, 38-2310, 65-2895, 74-4911f, 74-4914d, as amended by section 2 of 2015 Senate Bill No. 228, 74-4920, as amended by section 3 of 2015 Senate Bill No. 228, 75-37,121, 76-1936, 79-1609 and 79-1703 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 38-2310, as amended by section 2 of chapter 131 of the 2014 Session Laws of Kansas and 65-2895, as amended by section 36 of chapter 131 of the 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 8-126, as amended by section 1 of 2015 Senate Bill No. 73, 9-1111, as amended by section 8 of 2015 House Bill No. 2216, 9-1215, as amended by section 1 of 2015 Senate Substitute for House Bill No. 2258, 9-1216, as amended by section 2 of 2015 Senate Substitute for House Bill No. 2258, 12-1744f, 12-4516b, 12-4516c, 17-7673a, 17-7674a, 17-7677a, 20-380a, 74-4911j, 74-4914d, as amended by section 55 of 2015 House Substitute for Senate Bill No. 4, 74-4920, as amended by section 56 of 2015 House Substitute for Senate Bill No. 4, 74-99b34a, 75-37,121b, 76-1936a, 79-1609a and 79-1703a" and **S Sub HB 2094** 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 HB 2094** was advanced to Final Action and roll call.

**S Sub HB 2094**, AN ACT {reconciling amendments to certain statutes; amending K.S.A. 2014 Supp. 8-126, as amended by section 2 of 2015 House Bill No. 2044, 12-1744a, 12-4516, 12-4516a, 17-7673, 17-7674, 17-7677, 38-2310, 65-2895, 74-4911f, 74-4914d, as amended by section 2 of 2015 Senate Bill No. 228, 74-4920, as amended by section 3 of 2015 Senate Bill No. 228, 75-37,121, 76-1936, 79-1609 and 79-1703 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 38-2310, as amended by section 2 of chapter 131 of the 2014 Session Laws of Kansas and 65-2895, as amended by section 36 of chapter 131 of the 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 8-126, as amended by section 1 of 2015 Senate Bill No. 73, 9-1111, as amended by section 8 of 2015 House Bill No. 2216, 9-1215, as amended by section 1 of 2015 Senate Substitute for House Bill No. 2258, 9-1216, as amended by section 2 of 2015 Senate Substitute for House Bill No. 2258, 12-1744f, 12-4516b, 12-4516c, 17-7673a, 17-7674a, 17-7677a, 20-380a, 74-4911j, 74-4914d, as amended by section 55 of 2015 House Substitute for Senate Bill No. 4, 74-4920, as amended by section 56 of 2015 House Substitute for Senate Bill No. 4, 74-99b34a, 75-37,121b, 76-1936a, 79-1609a and 79-1703a}.

On roll call, the vote was: Yeas 33; Nays 0; Present and Passing 0; Absent or Not Voting 7.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Masterson, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Longbine, Love, Lynn, Melcher, Olson, Pilcher-Cook, Pyle.  
The substitute bill passed, as amended.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

On motion of Senator Bruce, the Senate recessed until 10:00 a.m., Thursday, June 11, 2015.

# Journal of the Senate

EIGHTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, June 11, 2015, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 38 members present.  
Senators Melcher and Olson were excused.  
Invocation by Reverend Cecil T. Washington:

Lord, The time and energy spent during this legislative session has set a record. People are talking about the fact that never before has the legislature taken this long to come together. But let the record reflect something even more significant; that the time and energy spent here, was used by You, in accomplishing Your purposes, in addressing the needs of the people. Reward these servants for what they have done and are still doing to make this place a better place. Please reward them and all those who serve in these chambers, for the ways in which they have sacrificed. Reward them for suffering through the criticisms, the snubs, the ridicule and rejection. Then out of all of that, as it says in James 1:2-4, Lord, make them stronger and better, rather than weaker and bitter. Remind all of us again, of what You said in 1 Corinthians 15:58, that our labor is not in vain, when it's in You, and by Your guidance. In the name of Jesus, thank You for hearing this prayer. Amen

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

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

## ORIGINAL MOTION

The motion of Senator Donovan to not adopt the conference committee report on **H Sub SB 270** and appoint new conferees prevailed.

The President appointed Senators Donovan, Tyson and Holland as fifth conferees on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

**MESSAGE FROM THE HOUSE**

The House accedes to the request of the Senate for a conference on **H Sub SB 270** and has appointed Representatives Kleeb, Suellentrop and Sawyer as fifth conferees on the part of the House.

The House concurs in Senate amendments to **S Sub HB 2094**.

**REPORT ON ENROLLED BILLS**

**H Sub SB 112** reported correctly enrolled, properly signed and presented to the Governor on June 11, 2015.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Friday, June 12, 2015.

# Journal of the Senate

EIGHTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, June 12, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

The President introduced Pastor Thomas Jackson, Associate Minister at New Beginning Baptist Church in Topeka, who delivered the invocation:

You Lord, giver, protector, provider, and sustainer of all who are represented here and to all that each of our fragile lives are so valuably connected to. Allow us to not think too highly of ourselves while governing in our high positions nor think that we are out of Your reach. LORD God, I thank You for these men and women of influence and from this very moment, will allow You to search their hearts, guide their minds, and influence their souls, in order that the decisions be of one accord and come not from them only but from You. Allow us all together, to drop the pedal of influence here in the State of Kansas that will cause a ripple effect that is felt through the people, through the nation, and through this world. LORD God, let not the efforts of these great men and women of influence be accomplished in vain. We pray that our collective prayers can accomplish what is set before us and within the time You have freely given us. Teach us, Oh Heavenly Father, and lend us Your touch, Your guidance, Your influence, that when our decisions are made, we will know that they came not of our own strength, our own power, our own wisdom but ultimately came from the All Wise, All Knowing, and All Loving God.....You. We love You and we need You every minute, every hour, everyday. May this be our prayer, in the name of our faithful Lord and Savior, Jesus Christ. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub SB 270**.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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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 House amendments to **SB 270** 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 on Final Action amendments, as follows:

On page 1, by striking all in lines 12 through 34;

By striking all on pages 2 through 51 and inserting:

"New Section 1. (a) For any taxable year commencing after December 31, 2014, 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  $^{20}/_{200}$  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 section.

Sec. 2. K.S.A. 2014 Supp. 79-2925b, as amended by section 5 of 2015 Senate Substitute for House Bill No. 2109, is hereby amended to read as follows: 79-2925b. (a) Without a majority vote so providing, the governing body of any municipality shall not approve any appropriation or budget, as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year, adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year. If the total tangible property valuation in any municipality increases from the next preceding year due to increases in the assessed valuation of existing tangible property and such increase exceeds changes in the consumer price index, the governing body shall lower the amount of ad valorem tax to be levied to the amount of ad valorem tax levied in the next preceding year, adjusted to reflect changes in the consumer price index. This subsection shall not apply to ad valorem taxes levied under K.S.A. 76-6b01 and 76-6b04 and section 11 of 2015 House Substitute for Senate Bill No. 7, and amendments thereto, and any other ad valorem tax levy which was previously approved by the voters of such municipality. Except as provided in subsection (g), notwithstanding the requirements of this subsection, nothing herein shall prohibit a municipality from increasing the amount of ad valorem tax to be levied if the municipality approves the increase with a majority vote of the governing body by the adoption of a resolution and publishes such vote as provided in subsection (c).

- (b) Revenue that, in the current year, is produced and attributable to the taxation of:
- (1) New improvements to real property;
  - (2) increased personal property valuation, other than increased valuation of oil and gas leaseholds and mobile homes;
  - (3) property located within added jurisdictional territory; or
  - (4) property which has changed in use shall not be considered when determining whether revenue produced from property has increased from the next preceding year.
- (c) In the event the governing body votes to approve any appropriation or budget,

as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year as provided in subsection (a), notice of such vote shall be published in the official county newspaper of the county where such municipality is located.

(d) The provisions of this section shall be applicable to all fiscal and budget years commencing on and after the effective date of this act.

(e) The provisions of this section shall not apply to revenue received from property tax levied for the sole purpose of repayment of the principal of and interest upon bonded indebtedness, temporary notes and no-fund warrants.

(f) For purposes of this section, "municipality" means any political subdivision of the state which levies an ad valorem tax on property and includes, but is not limited to, any county, township, municipal university, school district, community college, drainage district or other taxing district. "Municipality" shall not include any such political subdivision or taxing district which receives \$1,000 or less in revenue from property taxes in the current year.

(g)(1) In the case of cities and counties, a ~~any~~ resolution authorizing the adoption of any appropriation or budget under subsection (a) by the governing body otherwise required by this section to adopt any appropriation or budget which provides for funding by property tax revenue in an amount exceeding that of the next preceding year as adjusted pursuant to subsection (a) to reflect changes in the consumer price index, shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the city or county voting at an election called and held thereon, except as otherwise provided. The election shall be called and held at the next regularly scheduled election in the manner provided by K.S.A. 10-120, and amendments thereto, at the next regularly scheduled election to be held in August or November, or may be a mail ballot election, conducted in accordance with K.S.A. 25-431 et seq., and amendments thereto, or may be a special election called by the city or county. Nothing in this subsection shall prevent any city or county from holding more than one election in any year.

(2) A resolution by the governing body of a city or county otherwise required by the provisions of this section shall not be required to be approved by an election required by subsection (g)(1) under the following circumstances:

(A) The increase in the amount of ad valorem tax to be levied that is greater than the change in the consumer price index is due to:

(i) Costs for new infrastructure or improvements to existing infrastructure to support new improvements to property exempt from property taxation pursuant to the provisions of K.S.A. 79-201 et seq. and amendments thereto, such as hospitals, schools and churches, or exempt additions to or improvements to property so exempt from property taxation;

(ii) bond and interest payments;

(iii) an increase in property subject to taxation as the result of the expiration of any abatement of property from property tax;

(iv) increases in road construction costs when such construction has been once approved by a resolution of the governing body of the city or county;

(v) special assessments;

(vi) judgments levied against the city or county or expenses for legal counsel and for defense of legal actions against the city or county or officers of the city or county;

- (vii) new expenditures that are specifically mandated by federal or state law; or
- (viii) an increase in property subject to taxation as the result of new construction;
- (B) the assessed valuation has declined in one or more of the next preceding three calendar years and the increase in the amount of funding for the budget or appropriation from revenue produced from property taxes does not exceed the average amount of funding from such revenue of the next preceding three calendar years, adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year; or
- (C) the increase in the amount of ad valorem tax to be levied is less than the change in the consumer price index plus the loss of assessed property valuation that has occurred as the result of legislative action, judicial action or a ruling by the board of tax appeals.

Sec. 3. K.S.A. 2014 Supp. 79-32,110, as amended by section 25 of 2015 Senate Substitute for House Bill No. 2109, is hereby amended to read as follows: 79-32,110. (a) *Resident Individuals*. Except as otherwise provided by K.S.A. 79-3220(a), 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 \$60,000.....	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000.....	\$2,925 plus 6.45% of excess over \$60,000

(B) For tax year 2013:

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 year 2014:

If the taxable income is:	The tax is:
Not over \$30,000.....	2.7% of Kansas taxable income
Over \$30,000.....	\$810 plus 4.8% of excess over \$30,000

(D) For tax years 2015, 2016 and 2017:

If the taxable income is:	The tax is:
Not over \$30,000.....	2.7% of Kansas taxable income
Over \$30,000.....	\$810 plus 4.6% 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.....	2.6% of Kansas taxable income
Over \$30,000.....	\$780 plus 4.6% 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:

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 year 2014:

If the taxable income is:	The tax is:
Not over \$15,000.....	2.7% of Kansas taxable income
Over \$15,000.....	\$405 plus 4.8% of excess over \$15,000

(D) For tax years 2015, 2016 and 2017:

If the taxable income is:	The tax is:
Not over \$15,000.....	2.7% of Kansas taxable income
Over \$15,000.....	\$405 plus 4.6% of excess over \$15,000

(E) For tax year 2018, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$15,000.....	2.6% of Kansas taxable income
Over \$15,000.....	\$390 plus 4.6% of excess over \$15,000

(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 subsection (a)(2) hereof.

(e) Tax rates provided in this section shall be adjusted pursuant to the provisions of

K.S.A. 2014 Supp. 79-32,269, and amendments thereto.

(f) Notwithstanding the provisions of subsections (a) and (b), for tax year 2016, and all tax years thereafter, married individuals filing joint returns with taxable income of \$12,500 or less, and all other individuals with taxable income of \$5,000 or less, shall have a tax liability of zero.

Sec. 4. K.S.A. 2014 Supp. 79-32,269, as amended by section 28 of 2015 Senate Substitute for House Bill No. 2109, is hereby amended to read as follows: 79-32,269.

(a) (1) (A) Except as provided in subsection (a)(2), commencing with fiscal year 2020, in any fiscal year in which the amount of selected actual state general fund receipts less: ~~(+)~~ increases in payments to the Kansas public employees retirement system required pursuant to K.S.A. 74-4914d, 74-4920, 74-4939 and 74-4967, and amendments thereto, or any other statute; ~~and (ii) increases in the costs of the medicaid program~~ from such fiscal year exceeds the selected actual state general fund receipts for the immediately preceding fiscal year by more than ~~3%~~ 2.5%, the director of legislative research shall certify such excess amount, in dollars, to the secretary of revenue and the director of the budget. Upon receipt of such certified amount, 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, in dollars, the tax rates during the next tax year according to the provisions of this section. The secretary shall compute any income tax rate reductions so that any excess amount is applied such that an equal number of dollars are used to lower all individual income tax rates in K.S.A. 79-32,110, and amendments thereto. In any such computation by the secretary pursuant to this subsection the resulting income tax rate shall be rounded down to the nearest 0.01%. 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 amount. 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. 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 less: ~~(A)~~ increases in payments to the Kansas public employees retirement system required pursuant to K.S.A. 74-4914d, 74-4920, 74-4939 and 74-4967, and

amendments thereto, or any other statute; and (B) increases in the costs of the medicaid program for such fiscal year are ~~43%~~ 102.5% 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.

Sec. 5. K.S.A. 2014 Supp. 79-3602, as amended by section 6 of 2015 Senate Substitute for House Bill No. 2109, 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 0.05% 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 12<sup>th</sup> 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, ~~candy, dietary supplements, food sold through vending machines, prepared food, soft drinks~~ or tobacco.

(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. 2014 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) "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.~~

~~(iii) "Food sold through vending machines" means food dispensed from a machine or other mechanical device that accepts payment.~~

~~(jjj)(1) "Prepared food" means any of the following:~~

~~(A) Food sold in a heated state or heated by the seller;~~

~~(B) two or more food ingredients mixed or combined by the seller for sale as a single item; or~~

~~(C) 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.~~

~~(2) "Prepared food" does not include:~~

~~(A) Food that is only cut, repackaged or pasteurized by the seller;~~

~~(B) eggs, fish, meat, poultry and foods containing these raw animal foods requiring cooking by the consumer as recommended by the United States food and drug administration, in chapter 3, part 401.11 of its food code, so as to prevent foodborne illnesses;~~

~~(C) if sold without eating utensils provided by the seller, bakery items, including breads, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies and tortillas; or~~

~~(D) food sold by a seller whose primary North American industry classification system, United States, 2002 edition, classification is manufacturing in sector 311, except subsector 3118.~~

~~(Hh) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does 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.~~

~~(mmm) "Dietary supplement" shall have the same meaning ascribed to it as in~~

~~K.S.A. 79-3606(jjj), and amendments thereto.~~

Sec. 6. K.S.A. 2014 Supp. 79-3603, as amended by section 7 of 2015 Senate Substitute for House Bill No. 2109, 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 6.15%, and commencing July 1, 2015, at the rate of ~~6.55%~~ 6.5%. 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. 2014 Supp. 79-3673, and amendments thereto, except that telecommunications service does not include ~~prior to January 1, 2020~~: (1) Any interstate or international 800 or 900 service; (2) any interstate or international private communications service as defined in K.S.A. 2014 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 ~~prior to January 1, 2020~~; 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, ~~prior to January 1, 2020~~, 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 ~~prior to January 1, 2020~~, 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) (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 ~~prior to January 1, 2020~~, upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to K.S.A. 79-201 *Ninth*, 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 ~~prior to January 1, 2020~~, upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to K.S.A. 79-201 *Eighth* and *Ninth*, 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 ~~prior to January 1, 2020~~, 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; (2) the transfer of motor vehicles or trailers ~~prior to January 1, 2020~~, 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 ~~prior to January 1, 2020~~, 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 paragraph (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 K.S.A. 79-5105(a), (b)(1) and (b)(2), 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. 2014 Supp. 79-3673, and amendments thereto;

(v) all sales of bingo cards, bingo faces and instant bingo tickets by licensees under

section 1 of 2015 Senate Substitute for House Bill No. 2155, et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section ~~prior to January 1, 2020; and~~

(w) all sales of charitable raffle tickets in accordance with section 1 of 2015 Senate Substitute for House Bill No. 2155, et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section ~~prior to January 1, 2020; and~~

~~(x) commencing July 1, 2016, and thereafter, the gross receipts from the sale of food and food ingredients shall be taxed at the rate of 4.95%.~~

Sec. 7. K.S.A. 2014 Supp. 79-3606, as amended by section 33 of 2015 Senate Substitute for House Bill No. 2109, 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 and electronic cigarettes as defined by K.S.A. 79-3301, and amendments thereto, including consumable material for such electronic cigarettes, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a

privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital

authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), 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 K.S.A. 79-3603(o), and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and

amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by K.S.A. 74-5807(c), 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. 2014 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 K.S.A. 79-4216(k), 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 K.S.A. 79-3615(h), 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; (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); (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's disease and related disorders association, inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their

communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of

such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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 K.S.A. 79-3615(h), 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 20<sup>th</sup> 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 K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto.

Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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 K.S.A. 79-3615(h), 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 20<sup>th</sup> 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 K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west Sedgwick county-sunrise rotary club and sunrise charitable fund for the purpose of

constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> 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 K.S.A. 79-3615(h), 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 20<sup>th</sup> 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 K.S.A. 79-3615(h), 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 20<sup>th</sup> 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 K.S.A. 79-3615(h), 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 20<sup>th</sup> 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 K.S.A. 79-3615(h), 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 20<sup>th</sup> 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 K.S.A. 79-3615(h), 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 20<sup>th</sup> 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 K.S.A. 79-3615(h), 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 20<sup>th</sup> 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 K.S.A. 79-3615(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(iiii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children's home for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. Nothing in this subsection shall be

deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for Wichita children's home. When Wichita children's home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to Wichita children's home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(jjjj) all sales of tangible personal property or services purchased by or on behalf of the beacon, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need; and

(kkkk) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community; and

~~(llll) except for subsections (f), (g), (i), (j), (m), (n), (o), (p), (q), (r), (t), (y), (cc); (hh), (jj), (kk), (ll), (nn), (pp), (zz), (aaa), (ccc), (ff) or (jjj) or as otherwise provided; the provisions of this section shall not apply after December 31, 2019.~~

Sec. 8. K.S.A. 2014 Supp. 79-3620, as amended by section 8 of Senate Substitute for House Bill 2109, 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) 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.

(2) 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.

(3) 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.

(4) On July 1, 2013, the state treasurer shall credit 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 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2015, the state treasurer shall credit ~~16.327%~~ 16.226% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of ~~6.55%~~ 6.5%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2016, and thereafter, the state treasurer shall credit ~~16.327%~~ 16.154% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the ~~rates~~ rate of ~~6.55% and 4.95%~~ 6.5%, 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. 2014 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. 2014 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 K.S.A. 79-3710(d), 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 K.S.A. 79-3603(c), 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 K.S.A. 79-3710(e), 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 K.S.A. 12-1770a(oo), and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191<sup>st</sup> 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, 183<sup>rd</sup> 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. 2014 Supp. 79-3703, as amended by section 9 of Senate Substitute for House Bill 2109, 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 ~~6.55%~~, ~~except that commencing July 1, 2016, such rate shall be 4.95% on food and food ingredients as defined by K.S.A. 79-3602, and amendments thereto~~ 6.5%. 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. 10. K.S.A. 2014 Supp. 79-3710, as amended by section 10 of Senate Substitute for House Bill 2109, 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) 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.

(2) 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.

(3) 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.

(4) On July 1, 2013, the state treasurer shall credit 17.073% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2015, the state treasurer shall credit ~~16.327%~~ 16.226% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of ~~6.55%~~ 6.5%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2016, and thereafter, the state treasurer shall credit ~~16.550%~~ 16.154% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the ~~rates rate~~ of ~~6.55% and 4.95%~~ 6.5%, 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 K.S.A. 79-3620(d), and amendments thereto. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under K.S.A. 79-3620(d), 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 K.S.A. 12-1770a(z), and amendments thereto.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by K.S.A. 79-3603(c), 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 K.S.A. 79-3620(e), 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 K.S.A. 12-1770a(oo), and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191<sup>st</sup> 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, 183<sup>rd</sup> 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. 11. Section 11 of 2015 Senate Substitute for House Bill No. 2109 and K.S.A. 2014 Supp. 79-2925b, as amended by section 5 of 2015 Senate Substitute for House Bill No. 2109, 79-32,110, as amended by section 25 of 2015 Senate Substitute for House Bill No. 2109, 79-32,269, as amended by section 28 of 2015 Senate Substitute for House Bill No. 2109, 79-3602, as amended by section 6 of 2015 Senate Substitute for House Bill No. 2109, 79-3603, as amended by section 7 of 2015 Senate Substitute for House Bill No. 2109, 79-3606, as amended by section 33 of 2015 Senate Substitute for House Bill No. 2109, 79-3620, as amended by section 8 of 2015 Senate Substitute for House Bill No. 2109, 79-3703, as amended by section 9 of 2015 Senate Substitute for House Bill No. 2109 and 79-3710, as amended by section 10 of 2015 Senate Substitute for House Bill No. 2109 are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after 2015 Senate Substitute for House Bill No. 2109 is passed by the Legislature during the 2015 regular

session and enacted into law, and the publication of this act in the statute book.";

On page 1, in the title, by striking all in lines 3 through 8; in line 9, by striking all before the period and inserting "rates, low income exclusion, food sales tax credit; sales and compensating use tax, rates, distribution thereof; property tax, elections by cities; amending K.S.A. 2014 Supp. 79-2925b, as amended by section 5 of 2015 Senate Substitute for House Bill No. 2109, 79-32,110, as amended by section 25 of 2015 Senate Substitute for House Bill No. 2109, 79-32,269, as amended by section 28 of 2015 Senate Substitute for House Bill No. 2109, 79-3602, as amended by section 8 of 2015 Senate Substitute for House Bill No. 2109, 79-3603, as amended by section 7 of 2015 Senate Substitute for House Bill No. 2109, 79-3606, as amended by section 33 of 2015 Senate Substitute for House Bill No. 2109, 79-3620, as amended by section 8 of 2015 Senate Substitute for House Bill No. 2109, 79-3703, as amended by section 9 of 2015 Senate Substitute for House Bill No. 2109, and 79-3710, as amended by section 10 of 2015 Senate Substitute for House Bill No. 2109 and repealing the existing sections; also repealing Section 11 of 2015 Senate Substitute for House Bill No. 2109";

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

MARVIN KLEEB

GENE SUELLENTROP

*Conferees on part of House*

LES DONOVAN

CARYN TYSON

*Conferees on part of Senate*

Senator Donovan moved the Senate adopt the Conference Committee Report on **H Sub SB 270**.

On roll call, the vote was: Yeas 21; Nays 19; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Olson, Ostmeyer, Petersen, Powell, Wagle, Wilborn.

Nays: Baumgardner, Denning, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Melcher, O'Donnell, Pettey, Pilcher-Cook, Pyle, Schmidt, Smith, Tyson, Wolf.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Madam President: I vote "No" on **H Sub SB 270**. A Sales Tax increase may not hurt some. However, it will hurt the poor and Seniors on fixed incomes. It will also hurt the working class as prices on goods continue to rise. Although, most incomes will stay the same, I can not vote for a bill to balance the budget on the backs of the poor.—OLETHA FAUST-GOUDEAU

Senators Francisco, Haley, Hawk, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Faust-Goudeau on **H Sub SB 270**.

Mr. Vice-President: I want to fund the courts, education, infrastructure and social services, however **H Sub SB 270** along with **S Sub HB 2109**, rather than raise revenue for services, raise sales taxes to make up for the billion dollar loss in revenue from the 2012 income tax cuts and the exemptions for non wage business income that included many business owners who live out of state. Some revenue increase estimates are questionable (a short tax amnesty period, a tax on "guaranteed payments" that can be avoided by redefining payments, no assurance that sales will hold up and a loss from the late date in passing the bill) so there may be additional cuts beyond \$50 million shortfall already included in the profile next year along with the possibility of more cuts or taxes in the future, especially with the "ratchet". Some things seem unfair. Sales taxes are regressive. There is no reduction in sales tax on food to offset the increases in sales and cigarette taxes. An individual reporting \$5,000 in taxable income will not pay any Kansas income tax while an individual who reports from \$5,001 to \$5,050 will pay \$136, ending up with less in their pocket. The limitations on deductions will only affect higher income tax filers who itemize but it will mean some taxpayers will pay twice on half of their property taxes. The elimination of tax on business income means farmers, ranchers, and landlords cannot deduct depreciation or their losses. I do not want to hinder city and county governments with a property tax lid; I do not want to expand a private school scholarship program when we are underfunding our public schools. I want tax policy that is fair, balanced, and stable. For me, this proposal does not meet that test.—MARCI FRANCISCO

Senators Hawk, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **H Sub SB 270**.

Mr. Vice President: I vote "No" on the conference committee report on **H Sub SB 270**. The people of Kansas have been paying very close attention to this, way overtime, record "Veto Session" debate on tax increases and the annual budget. Threats of furloughs, of decreasing education and services have punctuated and resonated with them and increasing the already high tax burden on average and low income earners (especially when over 300,000 of top income earners continue completely immune from income tax liability) has struck a major chord with the public. As articulate and reasonable as those who voted for this bill sound here in the Senate chamber and earlier, perhaps, in the House, Mr. Vice-President, should you, or they, decide to run for reelection next year in 2016, I wish you the very best in trying to explain this terrible, regressive, expensive and deceptive vote to the majority in your District. Good luck. It will take longer with them than it has here. I'll sure miss serving with a lot of you. Again, I vote "No."—DAVID HALEY

Mr. Vice President: I vote "No" on **H Sub SB 270**, as I did on its ugly companion **S Sub HB 2109**. In this longest legislative session in state history, we debated Governor Brownback's 2012 economic experiment that he imposed on the people of Kansas. His experiment is a complete and abject failure. It has resulted in no meaningful job growth, the continued raiding of our highway fund, and the depletion of our general fund of needed resources to finance our schools, public safety and services for our most vulnerable citizens. Through it all, Sam Brownback steadfastly refused to admit his failure and reconsider his income tax cuts to resolve a \$400 million self-inflicted budget crisis. I oppose the largest tax increase on low and middle income wage earners in state

history, while 330,000 business people pay nothing. I also oppose allowing Brownback's income tax "glide path to zero" to continue which will result in never again adequately funding essential government services. The Republican legislators who support this bill are foisting on the people of Kansas the highest, most regressive sales tax on food in the nation. I reject the Brownback tax philosophy of "Robin Hood in Reverse," robbing the poor to benefit the rich.—ANTHONY HENSLEY

Senators Holland, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **H Sub SB 270**.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

#### **MESSAGE FROM THE HOUSE**

The House adopts the conference committee report on **S Sub HB 2109**.

#### **ORIGINAL MOTION**

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub HB 2135**.

#### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2135** 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 14 through 36;

By striking all on pages 2 through 489;

On page 490, by striking all in lines 1 through 18; following line 18 by inserting the following:

"Section 1. (a) For the fiscal years ending June 30, 2016, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) This act shall not be subject to the provisions of K.S.A. 75-6702(a), and amendments thereto.

Sec. 2.

#### **DEPARTMENT OF ADMINISTRATION**

(a) (1) Notwithstanding the provisions of K.S.A. 75-3722, 75-6704, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2016, the director of the budget shall continuously monitor the status of the state general fund with regard to estimated and actual revenues and approved and actual expenditures and demand transfers: Provided, That periodically, the director of the budget shall estimate the amount of the unencumbered ending balance of moneys in the state general fund for fiscal year 2016 and the total amount of anticipated expenditures, demand transfers and

encumbrances of moneys in the state general fund for fiscal year 2016: Provided further, That if the amount of such unencumbered ending balance in the state general fund is less than \$100,000,000, the director of the budget: (A) Shall determine the amount of moneys appropriated in each account of the state general fund or each special revenue fund appropriated for fiscal year 2016 for any agency of the executive branch of state government that are not required to be expended or encumbered for the fiscal year ending June 30, 2016; and (B) shall certify each such amount: And provided further, That, during fiscal year 2016, the director of the budget shall certify each amount appropriated from the state general fund, to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby lapsed: And provided further, That, during fiscal year 2016, the director of the budget shall certify each amount appropriated from each special revenue fund, to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby transferred to the state general fund: And provided further, That, at the same time as the director of the budget transmits each such certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research: And provided further, That the aggregate of all amounts lapsed from appropriations from the state general fund and amounts transferred from special revenue funds pursuant to this subsection, shall not exceed \$100,000,000.

(b) The provisions of this section shall not apply to the legislature or any agency of the legislative branch of state government; or the judicial branch or any agency of the judicial branch of state government.

(c) The provisions of this section shall not apply to: (1) Any item of appropriation for debt service for payments pursuant to contractual bond obligations; (2) any item of appropriation for employer contributions for the employers who are eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto; (3) any item of appropriation for the department of education, except the provisions of this section shall apply to the operating expenditures (including official hospitality) account of the state general fund of the department of education; or (4) any demand transfer to the school district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 1 through 11; following line 11, by inserting the following:

"AN ACT making and concerning appropriations for the fiscal year ending June 30, 2016, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.";

TY MASTERSON

JIM DENNING

LAURA KELLY

*Conferees on part of Senate*

RON RYCKMAN, JR.  
 SHARON SCHWARTZ  
 JERRY HENRY

*Conferees on part of House*

Senator Masterson moved the Senate adopt the Conference Committee Report on **S Sub HB 2135**.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, 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, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Francisco.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice-President: I vote "No" on the conference committee report for **S Sub HB 2135**. The legislature has the responsibility to adopt a budget for the state. I believe that a percentage reduction through allotments would better reflect the intent of the legislature than by authorizing the Governor's Director of the Budget to lapse appropriations or transfer funding from special revenue funds to the State General Fund from executive branch agencies for FY 2016.—MARCI FRANCISCO

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1607—

By Senators Wagle, Bruce and Hensley

A CONCURRENT RESOLUTION relating to the 2015 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 12, 2015, until the hour of 10:00 a.m. on June 26, 2015, at which time the legislature shall reconvene and shall continue in session until sine die adjournment at the close of business on June 26, 2015; 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 K.S.A. 46-137a(a) and (b),

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 1607** was adopted by voice vote.

On motion of Senator Bruce, and in compliance with **SCR 1607**, the Senate adjourned until Sine Die at 10:00 a.m., Friday, June 26, 2015.

# Journal of the Senate

EIGHTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, June 26, 2015, 10:00 a.m.

As provided by **SCR 1607**, the Sine Die Session of the regular 2015 Kansas Senate was called to order by President Susan Wagle.

The roll was called with 36 senators present.

Senators LaTurner, Longbine, Love and Lynn were excused.

Invocation by Reverend Cecil T. Washington:

Lord, We're gathering here to finally conclude the longest legislative session we've ever experienced. We've realized some trying times but it's also been a time for learning. One of the things we've had to learn Master, is patience. But we couldn't learn this quality of character by reading and writing about it. You said, in Romans 5:3, that difficulties...trying times produce patience. So, Lord You've been using our problems to provide "on the job training" for our character development. And it's been similar to learning how to drive a car or bake a cake, we can't just read about it. We have to experience it. And Lord, we have experienced You, pulling us through. We're learning to endure. We're coming to know that being patient and learning how to endure means we do all we can, within our power, but then look to You for the results. Help us Lord, to accept difficult situations that You allow, without trying to give You a deadline to remove them. Well, we didn't get everything we wanted during this session, but we never really do. And in fact, we never really will until we come to be with You. So keep us ever aware that while we're here on this side of Heaven, there will be struggles. There will be difficulties. There will be tensions. As we now prepare for sine die...as we prepare to adjourn and depart to our various destinations, keep us mindful of our ultimate destination. After all is said and done, bring us home to be with You where there'll be no sine die. Thank You Lord, for hearing this prayer. In the precious name of Jesus. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## MESSAGES FROM THE GOVERNOR

**SB 206** approved on June 12, 2015.

**SB 270** approved on June 16, 2015.

June 16, 2015

## Message to the Legislature of the State of Kansas

I want to thank every member of the Kansas Legislature for their hard work during the 2015 Session. I greatly appreciate their efforts to control spending by addressing our three expenditure drivers: education, Medicaid, and KPERS.

This two-year budget will continue to fund the core services of state government to July 1, 2017. I will work to find efficiencies to limit the size of state government while protecting core services vital to the citizens of Kansas.

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return House Substitute for Senate Bill No. 112 with my signature approving the bill, except for the items enumerated below.

## Kansas Board of Regents

## SGF Transfer to Postsecondary Education Performance – Based Incentives Fund

The Board of Regents offered as a line-item veto – and I have vetoed – approximately \$1.9 million in unspent funding in both FY 16 and 17 from a postsecondary education performance-based incentives fund.

Sections 142(f) and 143(f) are vetoed in their entirety.

This new program grants funds to postsecondary institutions for the GED Accelerator for students who wish to complete their GED and receive an educational accreditation. The FY 2015 transfer of \$1.9 million from the State General Fund will finance the program for several years. Therefore, the transfer can be suspended in FY 2016 and FY 2017 to preserve State General Fund resources.

SAM BROWNBACK  
*Governor*

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **S Sub HB 2135**.  
Announcing adoption of **SCR 1607**.

**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 2142**.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2142** 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 lines 6 through 36;

By striking all on pages 2 through 13;

On page 14, by striking lines 1 and 2; following line 2, by inserting:

"Section 1. K.S.A. 2014 Supp. 79-2925b, as amended by section 2 of 2015 House Substitute for Senate Bill No. 270, is hereby amended to read as follows: 79-2925b. (a)

Without a majority vote so providing, the governing body of any municipality shall not approve any appropriation or budget, as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year, adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year. If the total tangible property valuation in any municipality increases from the next preceding year due to increases in the assessed valuation of existing tangible property and such increase exceeds changes in the consumer price index, the governing body shall lower the amount of ad valorem tax to be levied to the amount of ad valorem tax levied in the next preceding year, adjusted to reflect changes in the consumer price index. This subsection shall not apply to ad valorem taxes levied under K.S.A. 76-6b01 and 76-6b04 and section 11 of 2015 House Substitute for Senate Bill No. 7, and amendments thereto, and any other ad valorem tax levy which was previously approved by the voters of such municipality. Except as provided in subsection (g), notwithstanding the requirements of this subsection, nothing herein shall prohibit a municipality from increasing the amount of ad valorem tax to be levied if the municipality approves the increase with a majority vote of the governing body by the adoption of a resolution and publishes such vote as provided in subsection (c).

(b) Revenue that, in the current year, is produced and attributable to the taxation of:

- (1) New improvements to real property;
- (2) increased personal property valuation, other than increased valuation of oil and gas leaseholds and mobile homes;
- (3) property located within added jurisdictional territory; or
- (4) property which has changed in use shall not be considered when determining whether revenue produced from property has increased from the next preceding year.

(c) In the event the governing body votes to approve any appropriation or budget, as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year as provided in subsection (a), notice of such vote shall be published in the official county newspaper of the county where such municipality is located.

(d) The provisions of this section shall be applicable to all fiscal and budget years commencing on and after the effective date of this act.

(e) The provisions of this section shall not apply to revenue received from property tax levied for the sole purpose of repayment of the principal of and interest upon bonded indebtedness, temporary notes and no-fund warrants.

(f) For purposes of this section, "municipality" means any political subdivision of the state which levies an ad valorem tax on property and includes, but is not limited to, any county, township, municipal university, school district, community college, drainage district or other taxing district. "Municipality" shall not include any such political subdivision or taxing district which receives \$1,000 or less in revenue from property taxes in the current year.

(g) On and after January 1, 2018: (1) In the case of cities and counties, any resolution by the governing body otherwise required by this section to adopt any appropriation or budget which provides for funding by property tax revenue in an amount exceeding that of the next preceding year as adjusted pursuant to subsection (a) to reflect changes in the consumer price index, shall not become effective unless such

resolution has been submitted to and approved by a majority of the qualified electors of the city or county voting at an election called and held thereon, except as otherwise provided. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto, at the next regularly scheduled election to be held in August or November, or may be a mail ballot election, conducted in accordance with K.S.A. 25-431 et seq., and amendments thereto, or may be a special election called by the city or county. Nothing in this subsection shall prevent any city or county from holding more than one election in any year.

(2) A resolution by the governing body of a city or county otherwise required by the provisions of this section shall not be required to be approved by an election required by subsection (g)(1) under the following circumstances:

(A) The increase in the amount of ad valorem tax to be levied that is greater than the change in the consumer price index is due to:

(i) Costs for new infrastructure or improvements to existing infrastructure to support new improvements to property exempt from property taxation pursuant to the provisions of K.S.A. 79-201 et seq., and amendments thereto, such as hospitals, schools and churches, or exempt additions to or improvements to property so exempt from property taxation;

(ii) bond and interest payments;

(iii) an increase in property subject to taxation as the result of the expiration of any abatement of property from property tax;

(iv) increases in road construction costs when such construction has been once approved by a resolution of the governing body of the city or county;

(v) special assessments;

(vi) judgments levied against the city or county or expenses for legal counsel and for defense of legal actions against the city or county or officers of the city or county;

(vii) new expenditures that are specifically mandated by federal or state law; or

(viii) an increase in property subject to taxation as the result of new construction;

(B) the assessed valuation has declined in one or more of the next preceding three calendar years and the increase in the amount of funding for the budget or appropriation from revenue produced from property taxes does not exceed the average amount of funding from such revenue of the next preceding three calendar years, adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year; or

(C) the increase in the amount of ad valorem tax to be levied is less than the change in the consumer price index plus the loss of assessed property valuation that has occurred as the result of legislative action, judicial action or a ruling by the board of tax appeals.

Sec. 2. K.S.A. 2014 Supp. 79-2925b, as amended by section 2 of 2015 House Substitute for Senate Bill No. 270 and 79-2925b, as amended by section 5 of 2015 Senate Substitute for House Bill No. 2109 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all following "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "taxation; reconciling amendments to certain statutes; amending K.S.A. 2014 Supp. 79-2925b, as amended by section 2 of 2015 House Substitute for Senate Bill No. 270 and repealing the existing section; also repealing K.S.A. 2014 Supp. 79-2925b, as amended by section 5 of 2015

Senate Substitute for House Bill No. 2109";

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

LES DONOVAN

CARYN TYSON

TOM HOLLAND

*Conferees on part of Senate*

MARVIN KLEEB

GENE SUELLENTROP

TOM SAWYER

*Conferees on part of House*

Senator Donovan moved the Senate adopt the Conference Committee Report on **HB 2142**.

On roll call, the vote was: Yeas 24; Nays 8; Present and Passing 4; Absent or Not Voting 4.

Yeas: Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Hawk, Hensley, Holmes, Kelly, Kerschen, King, Masterson, McGinn, Olson, Ostmeyer, Petersen, Pettey, Powell, Schmidt, Tyson, Wagle, Wilborn, Wolf.

Nays: Arpke, Fitzgerald, Knox, Melcher, O'Donnell, Pilcher-Cook, Pyle, Smith.

Present and Passing: Faust-Goudeau, Francisco, Haley, Holland.

Absent or Not Voting: LaTurner, Longbine, Love, Lynn.

The Conference Committee Report was adopted.

### **VETO SUSTAINED**

President Wagle announced the time had arrived for reconsideration of the line item vetoes on **H Sub SB 112**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2015, June 30, 2016, June 30, 2017, June 30, 2018, and June 30, 2019, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2014 Supp. 2-223, 12-5256, 55-193, as amended by section 2 of 2015 House Bill No. 2231, 68-2320, 74-50,107, as amended by section 57 of 2015 Senate Bill No. 4, 74-8963, 74-99b34, 75-6702, 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; also repealing K.S.A. 2014 Supp. 74-99b34a.

No motion having been offered to reconsider, President Wagle announced the Governor's line item vetoes on **H Sub SB 112** were declared sustained.

### **REPORT ON ENROLLED BILLS**

**SB 270** reported correctly enrolled, properly signed and presented to the Governor on June 16, 2015.

**SCR 1607** reported correctly enrolled, properly signed and presented to the Secretary of State on June 15, 2015.

As provided by **SCR 1607**, 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 2015 Session of the Kansas Senate adjourned Sine Die."

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.  
COREY CARNAHAN, *Secretary of the Senate*.







SHORT TITLE AND HISTORY  
OF  
SENATE BILLS,  
SENATE RESOLUTIONS,  
AND  
EXECUTIVE REORGANIZATION ORDERS

(SJ & HJ Nos. refer to 2015 Senate and House Journals)  
(1753)



## TITLE AND HISTORY OF SENATE BILLS

- S 1** Bill by Senator Haley  
**Increasing criminal penalties for hate crimes and establishing reporting requirements for law enforcement agencies.**  
 01/12/2015 Senate—Prefiled for Introduction on Friday, November 07, 2014  
 01/12/2015 Senate—Introduced—SJ 6  
 01/13/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 14  
 01/20/2015 Senate—Hearing: Thursday, January 22, 2015, 9:30 AM Room 118-N
- S 2** Bill by Senator LaTurner  
**Authorizing school districts to offer multi-year contracts to teachers.**  
 01/12/2015 Senate—Prefiled for Introduction on Monday, December 01, 2014  
 01/12/2015 Senate—Introduced—SJ 6  
 01/13/2015 Senate—Referred to Committee on Education—SJ 14  
 01/26/2015 Senate—Hearing: Wednesday, January 28, 2015, 1:30 PM Room 144-S
- S 3** Bill by Senator Faust-Goudeau  
**Unemployment benefits for privately contracted school bus drivers.**  
 01/12/2015 Senate—Prefiled for Introduction on Wednesday, December 03, 2014  
 01/12/2015 Senate—Introduced—SJ 6  
 01/13/2015 Senate—Referred to Committee on Commerce—SJ 14  
 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 8:30 AM Room 548-S
- S 4** Bill by Legislative Post Audit Committee  
**House Substitute for SB 4 by Committee on Appropriations - Appropriation revisions and supplementals for FY 2015 and FY 2016 for various state agencies.**  
 01/12/2015 Senate—Prefiled for Introduction on Friday, December 19, 2014  
 01/12/2015 Senate—Introduced—SJ 6  
 01/13/2015 Senate—Referred to Committee on Ways and Means—SJ 14  
 01/22/2015 Senate—Hearing: Tuesday, January 27, 2015, 10:30 AM Room 548-S  
 01/27/2015 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 44  
 01/28/2015 Senate—Committee of the Whole - Be passed—SJ 47  
 01/28/2015 Senate—Emergency Final Action - Passed; Yea: 38 Nay: 0—SJ 47  
 01/29/2015 House—Received and Introduced—HJ 135  
 01/30/2015 House—Referred to Committee on Appropriations—HJ 140  
 01/30/2015 House—Hearing: Monday, February 02, 2015, 9:00 AM Room 112N  
 02/02/2015 House—Committee Report recommending substitute bill be passed by Committee on Appropriations—HJ 147  
 02/03/2015 House—Committee of the Whole - Substitute bill be passed—HJ 152  
 02/04/2015 House—Final Action - Substitute passed; Yea: 88 Nay: 34—HJ 158  
 02/05/2015 Senate—Concurred with amendments; Yea: 24 Nay: 13—SJ 81  
 02/09/2015 Senate—Enrolled and presented to Governor on Tuesday, February 10, 2015  
 02/10/2015 Senate—Approved by Governor on Tuesday, February 10, 2015—SJ 94

- S 5** Bill by Senator Melcher  
**Designating a portion of U.S. highway 69 as the 2nd Lieutenant Justin L. Sisson memorial highway.**  
 01/12/2015 Senate—Prefiled for Introduction on Monday, December 22, 2014  
 01/12/2015 Senate—Introduced—SJ 7  
 01/13/2015 Senate—Referred to Committee on Transportation—SJ 14  
 01/22/2015 Senate—Hearing: Tuesday, January 27, 2015, 8:30 AM Room 546-S  
 02/10/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 97  
 03/11/2015 Senate—Stricken from the Calendar.—SJ 247
- S 6** Bill by Legislative Post Audit Committee  
**Authorizing the division of post audit to background check contractors and other workers.**  
 01/12/2015 Senate—Prefiled for Introduction on Tuesday, December 30, 2014  
 01/12/2015 Senate—Introduced—SJ 7  
 01/13/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 14  
 01/22/2015 Senate—Hearing: Thursday, January 29, 2015, 10:30 AM Room 144-S  
 02/10/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 96  
 03/05/2015 Senate—Committee of the Whole - Be passed as amended—SJ 230  
 03/09/2015 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 233  
 03/10/2015 House—Received and Introduced—HJ 338  
 03/11/2015 House—Referred to Committee on Federal and State Affairs—HJ 339
- S 7** Bill by Legislative Post Audit Committee  
**House Substitute for SB 7 by Committee on Appropriations - Creating the classroom learning assuring student success act; making and concerning appropriations for fiscal years ending June 30, 2015, June 30, 2016, and June 30, 2017, for the department of education.**  
 01/12/2015 Senate—Prefiled for Introduction on Tuesday, December 30, 2014  
 01/12/2015 Senate—Introduced—SJ 7  
 01/13/2015 Senate—Referred to Committee on Ways and Means—SJ 14  
 01/22/2015 Senate—Hearing: Tuesday, January 27, 2015, 10:30 AM Room 548-S  
 02/10/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 97  
 02/24/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 158  
 02/25/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 172  
 02/26/2015 House—Received and Introduced—HJ 307  
 03/04/2015 House—Referred to Committee on Appropriations—HJ 324  
 03/10/2015 House—Hearing: Tuesday, March 10, 2015, 9:00 AM Room 112N  
 03/11/2015 House—Committee Report recommending substitute bill be passed by Committee on Appropriations—HJ 342  
 03/12/2015 House—Committee of the Whole - Motion to refer to Committee on Education failed. Yea: 41 Nay: 81—HJ 354  
 03/12/2015 House—Committee of the Whole - Substitute bill be passed as amended Yea: 64 Nay: 58—HJ 354  
 03/13/2015 House—Final Action - Substitute passed as amended; Yea: 64 Nay: 57—HJ 364  
 03/16/2015 Senate—Concurred with amendments; Yea: 25 Nay: 14—SJ 257

- 03/20/2015 Senate—Enrolled and presented to Governor on Friday, March 20, 2015—SJ 318
- 03/25/2015 Senate—Approved by Governor on Wednesday, March 25, 2015—SJ 410
- S 8** Bill by Legislative Post Audit Committee  
**Repealing school district audit teams and school district performance audit requirements.**
- 01/12/2015 Senate—Prefiled for Introduction on Tuesday, December 30, 2014
- 01/12/2015 Senate—Introduced—SJ 7
- 01/13/2015 Senate—Referred to Committee on Education—SJ 14
- 01/20/2015 Senate—Hearing: Thursday, January 22, 2015, 1:00 AM Room 144-S
- 01/29/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 50
- 02/18/2015 Senate—Committee of the Whole - Be passed as amended—SJ 132
- 02/19/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 135
- 02/20/2015 House—Received and Introduced—HJ 267
- 02/23/2015 House—Referred to Committee on Education—HJ 278
- 03/16/2015 House—Hearing: Thursday, March 19, 2015, 1:00 PM Room 112N
- 03/20/2015 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Education—HJ 481
- 03/25/2015 House—Final Action - Passed; Yea: 124 Nay: 0—HJ 523
- 03/31/2015 Senate—Enrolled and presented to Governor on Tuesday, March 31, 2015—SJ 440
- 04/29/2015 Senate—Approved by Governor on Monday, April 6, 2015
- S 9** Bill by Senator Haley  
**Enacting the cannabis compassion and care act.**
- 01/12/2015 Senate—Prefiled for Introduction on Friday, January 02, 2015
- 01/12/2015 Senate—Introduced—SJ 7
- 01/13/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 14
- S 10** Bill by Senator Haley  
**Cities; filling vacancies in governing body.**
- 01/12/2015 Senate—Prefiled for Introduction on Monday, January 05, 2015
- 01/12/2015 Senate—Introduced—SJ 7
- 01/13/2015 Senate—Referred to Committee on Ethics and Elections—SJ 14
- 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 9:30 AM Room 159-S
- 02/25/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics and Elections—SJ 179
- 03/11/2015 Senate—Stricken from the Calendar.—SJ 247
- S 11** Bill by Senators Petersen, King, McGinn, O'Donnell  
**House Substitute for SB 11 by Committee on Appropriations - State employees; essential employee defined.**
- 01/13/2015 Senate—Introduced—SJ 13
- 01/14/2015 Senate—Referred to Committee on Judiciary—SJ 18
- 01/20/2015 Senate—Hearing: Tuesday, January 20, 2015, 10:30 AM Room 346-S
- 02/04/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 69
- 02/18/2015 Senate—Committee of the Whole - Be passed as amended—SJ 132
- 02/19/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 135
- 02/20/2015 House—Received and Introduced—HJ 267

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 02/23/2015 House—Referred to Committee on Judiciary—HJ 278
- 03/06/2015 House—Hearing: Monday, March 09, 2015, 3:30 PM Room 112-N
- 03/23/2015 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 487
- 03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation—HJ 560
- 04/29/2015 House—Withdrawn from Committee on Taxation; Rereferred to Committee on Judiciary—HJ 608
- 05/05/2015 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 700
- 06/05/2015 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 1713
- 06/05/2015 House—Committee Report recommending substitute bill be passed by Committee on Appropriations. Committee on Appropriations—HJ 1714
- 06/06/2015 House—Emergency Final Action - Substitute passed; Yea: 106 Nay: 0—HJ 1716
- 06/06/2015 Senate—Concurred with amendments; Yea: 39 Nay: 0—SJ 1139
- 06/06/2015 Senate—Enrolled and presented to Governor on Saturday, June 6, 2015—SJ 1158
- 06/06/2015 Senate—Approved by Governor on Saturday, June 6, 2015—SJ 1158
- S 12** Bill by Judiciary
- Civil commitment of sexually violent predators.**
- 01/13/2015 Senate—Introduced—SJ 13
- 01/14/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 18
- 01/30/2015 Senate—Hearing: Tuesday, February 03, 2015, 9:30 AM Room 118-N
- 02/05/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 83
- 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195
- 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 212
- 03/04/2015 House—Received and Introduced—HJ 325
- 03/05/2015 House—Referred to Committee on Corrections and Juvenile Justice—HJ 328
- 03/09/2015 House—Hearing: Tuesday, March 10, 2015, 1:30 PM Room 152S
- 03/20/2015 House—Withdrawn from Committee on Corrections and Juvenile Justice; Referred to Committee on Veterans, Military and Homeland Security—HJ 477
- 03/23/2015 House—Committee Report recommending substitute bill be passed by Committee on Veterans, Military and Homeland Security—HJ 498
- 03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation—HJ 560
- 04/29/2015 House—Withdrawn from Committee on Taxation; Rereferred to Committee on Veterans, Military and Homeland Security—HJ 608
- 05/01/2015 House—Committee Report recommending substitute bill be passed by Committee on Veterans, Military and Homeland Security—HJ 660
- 05/07/2015 House—Committee of the Whole - Substitute bill be passed—HJ 724
- 05/07/2015 House—Emergency Final Action - Substitute passed; Yea: 112 Nay: 6—HJ 737

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 05/11/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Smith, Senator Knox and Senator Pettey as conferees—SJ 597
- 05/11/2015 House—Motion to accede adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as conferees—HJ 768
- 05/12/2015 Senate—Senator King replaces Senator Smith on the Conference Committee—SJ 602
- 05/12/2015 Senate—Senator Smith replaces Senator Knox on the Conference Committee—SJ 602
- 06/01/2015 House—Conference Committee Report was adopted; Yea: 111 Nay: 0—HJ 1010
- 06/01/2015 Senate—Conference Committee Report was adopted; Yea: 36 Nay: 2—SJ 905
- 06/05/2015 Senate—Enrolled and presented to Governor on Friday, June 5, 2015—SJ 1073
- 06/09/2015 Senate—Approved by Governor on Tuesday, June 9, 2015—SJ 1653
- S 13** Bill by Judiciary  
**Allowing victim notification on status change of person confined.**
- 01/13/2015 Senate—Introduced—SJ 14
- 01/14/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 18
- 01/22/2015 Senate—Hearing: Tuesday, January 27, 2015, 9:30 AM Room 118-N
- 02/05/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 83
- 02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 180
- 02/26/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 186
- 03/04/2015 House—Received and Introduced—HJ 325
- 03/05/2015 House—Referred to Committee on Corrections and Juvenile Justice—HJ 328
- 03/09/2015 House—Hearing: Tuesday, March 10, 2015, 1:30 PM Room 152S
- 03/11/2015 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Corrections and Juvenile Justice—HJ 343
- 03/16/2015 House—Final Action - Passed; Yea: 118 Nay: 0—HJ 372
- 03/20/2015 Senate—Enrolled and presented to Governor on Friday, March 20, 2015—SJ 318
- 03/25/2015 Senate—Approved by Governor on Wednesday, March 25, 2015—SJ 410
- S 14** Bill by Judiciary  
**Relating to the criminal justice information system line fund.**
- 01/13/2015 Senate—Introduced—SJ 14
- 01/14/2015 Senate—Referred to Committee on Judiciary—SJ 18
- 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 10:30 AM Room 346-S
- 01/22/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 37
- 02/18/2015 Senate—Committee of the Whole - Be passed as amended—SJ 132
- 02/19/2015 Senate—Final Action - Passed as amended; Yea: 35 Nay: 5—SJ 136
- 02/20/2015 House—Received and Introduced—HJ 267

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 02/23/2015 House—Referred to Committee on Judiciary—HJ 278  
 03/06/2015 House—Hearing: Tuesday, March 10, 2015, 3:30 PM Room 112-N  
 03/11/2015 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 343  
 03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation—HJ 560  
 04/29/2015 House—Withdrawn from Committee on Taxation; Rereferred to Committee on Judiciary—HJ 608  
 05/01/2015 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 660  
 05/07/2015 House—Committee of the Whole - Be passed—HJ 724  
 05/07/2015 House—Emergency Final Action - Passed; Yea: 97 Nay: 21—HJ 741  
 05/15/2015 Senate—Enrolled and presented to Governor on Friday, May 15, 2015—SJ 720  
 05/20/2015 Senate—Approved by Governor on Tuesday, May 19, 2015
- S 15** Bill by Judiciary  
**Creating a dispositive motion fee in civil actions.**  
 01/13/2015 Senate—Introduced—SJ 14  
 01/14/2015 Senate—Referred to Committee on Judiciary—SJ 18  
 01/22/2015 Senate—Hearing: Wednesday, January 28, 2015, 10:30 AM Room 346-S  
 02/20/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 144  
 05/12/2015 Senate—Stricken from the Calendar—SJ 601
- S 16** Bill by Judiciary  
**Attorney fees in certain actions.**  
 01/13/2015 Senate—Introduced—SJ 14  
 01/14/2015 Senate—Referred to Committee on Judiciary—SJ 18  
 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 10:30 AM Room 346-S
- S 17** Bill by Judiciary  
**Judicial council membership.**  
 01/13/2015 Senate—Introduced—SJ 14  
 01/14/2015 Senate—Referred to Committee on Judiciary—SJ 18  
 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 10:30 AM Room 346-S  
 01/22/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 37  
 02/18/2015 Senate—Committee of the Whole - Be passed as amended—SJ 132  
 02/19/2015 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 136  
 02/20/2015 House—Received and Introduced—HJ 267  
 02/23/2015 House—Referred to Committee on Judiciary—HJ 278
- S 18** Bill by Judiciary  
**Substitute for SB 18 by Committee on Corrections and Juvenile Justice - Making certain law enforcement audio and video recordings confidential and exempt from the open records act.**  
 01/13/2015 Senate—Introduced—SJ 14  
 01/14/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 18  
 01/22/2015 Senate—Hearing: Thursday, January 29, 2015, 9:30 AM Room 118-N

- 01/30/2015 Senate—Hearing: Monday, February 02, 2015, 9:30 AM Room 118-N  
 02/23/2015 Senate—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—SJ 151  
 02/26/2015 Senate—Committee of the Whole - Substitute bill be passed—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Substitute passed; Yea: 40 Nay: 0—SJ 212  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Judiciary—HJ 328
- S 19** Bill by Judiciary  
**Electronic service of order or notice under the Kansas administrative procedure act and the Kansas judicial review act.**  
 01/13/2015 Senate—Introduced—SJ 14  
 01/14/2015 Senate—Referred to Committee on Judiciary—SJ 18  
 01/20/2015 Senate—Hearing: Thursday, January 22, 2015, 10:30 AM Room 346-S  
 02/04/2015 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 69
- S 20** Bill by Corrections and Juvenile Justice  
**Increasing criminal penalties for residential burglary.**  
 01/14/2015 Senate—Introduced—SJ 17  
 01/15/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 21  
 01/22/2015 Senate—Hearing: Tuesday, January 27, 2015, 9:30 AM Room 118-N  
 02/04/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 69
- S 21** Bill by Transportation  
**Regulation and safety requirements for private motor carriers.**  
 01/14/2015 Senate—Introduced—SJ 17  
 01/15/2015 Senate—Referred to Committee on Transportation—SJ 21  
 01/20/2015 Senate—Hearing: Thursday, January 22, 2015, 8:30 AM Room 546-S  
 01/27/2015 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 44  
 02/03/2015 Senate—Committee of the Whole - Be passed—SJ 58  
 02/04/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 66  
 02/05/2015 House—Received and Introduced—HJ 171  
 02/06/2015 House—Referred to Committee on Transportation—HJ 176  
 03/05/2015 House—Hearing: Tuesday, March 10, 2015, 1:30 PM Room 582N  
 03/17/2015 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 393  
 03/19/2015 House—Committee of the Whole - Be passed—HJ 426  
 03/20/2015 House—Final Action - Passed; Yea: 114 Nay: 1—HJ 479  
 03/30/2015 Senate—Enrolled and presented to Governor on Monday, March 30, 2015—SJ 416  
 04/01/2015 Senate—Approved by Governor on Wednesday, April 1, 2015—SJ 452
- S 22** Bill by Judiciary  
**Municipal court; notice of expungement of certain records and notice of disposition of appeals.**  
 01/14/2015 Senate—Introduced—SJ 17  
 01/15/2015 Senate—Referred to Committee on Judiciary—SJ 21  
 01/22/2015 Senate—Hearing: Tuesday, January 27, 2015, 10:30 AM Room 346-S

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 02/05/2015 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 83
- 02/16/2015 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 114
- S 23** Bill by Judiciary  
**Authorized restrictions of driving privileges; ignition interlock device.**  
 01/14/2015 Senate—Introduced—SJ 17  
 01/15/2015 Senate—Referred to Committee on Judiciary—SJ 21  
 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 10:30 AM Room 346-S  
 01/22/2015 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 37  
 02/04/2015 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 66  
 02/05/2015 House—Received and Introduced—HJ 171  
 02/06/2015 House—Referred to Committee on Judiciary—HJ 176  
 03/06/2015 House—Hearing: Monday, March 09, 2015, 3:30 PM Room 112-N  
 03/18/2015 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 419  
 03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation—HJ 560
- S 24** Bill by Federal and State Affairs  
**Technical professions act; definitions clarification.**  
 01/14/2015 Senate—Introduced—SJ 17  
 01/15/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 21  
 01/22/2015 Senate—Hearing: Thursday, January 29, 2015, 10:30 AM Room 144-S  
 02/10/2015 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 96  
 02/18/2015 Senate—Committee of the Whole - Be passed—SJ 132  
 02/19/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 136  
 02/20/2015 House—Received and Introduced—HJ 267  
 02/23/2015 House—Referred to Committee on Federal and State Affairs—HJ 278  
 03/10/2015 House—Hearing: Tuesday, March 10, 2015, 9:00 AM Room 346S
- S 25** Bill by Federal and State Affairs  
**Firearms; background checks; gun shows.**  
 01/14/2015 Senate—Introduced—SJ 17  
 01/15/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 21
- S 26** Bill by Ethics and Elections  
**Campaign finance; use of campaign contributions for certain expenses of spouses.**  
 01/14/2015 Senate—Introduced—SJ 17  
 01/15/2015 Senate—Referred to Committee on Ethics and Elections—SJ 21  
 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 8:30 AM Room 159-S  
 02/20/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics and Elections—SJ 144
- S 27** Bill by Ethics and Elections  
**Campaign finance; use of campaign funds; increased exemption amount certain for candidates; contributor information; lobbyist filings.**  
 01/14/2015 Senate—Introduced—SJ 18  
 01/15/2015 Senate—Referred to Committee on Ethics and Elections—SJ 21

- 01/22/2015 Senate—Hearing: Wednesday, January 28, 2015, 9:30 AM Room 159-S  
 01/28/2015 Senate—Committee Report recommending bill be passed by Committee on Ethics and Elections—SJ 47  
 02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 182  
 02/26/2015 Senate—Final Action - Not passed; Yea: 18 Nay: 22—SJ 186
- S 28** Bill by Ethics and Elections  
**Lobbyist defined.**  
 01/14/2015 Senate—Introduced—SJ 18  
 01/15/2015 Senate—Referred to Committee on Ethics and Elections—SJ 21  
 01/22/2015 Senate—Hearing: Thursday, January 22, 2015, 9:30 AM Room 159-S  
 01/28/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics and Elections—SJ 47  
 02/24/2015 Senate—Committee of the Whole - Be passed as amended—SJ 158  
 02/25/2015 Senate—Final Action - Passed as amended; Yea: 30 Nay: 10—SJ 172  
 02/26/2015 House—Received and Introduced—HJ 307  
 03/04/2015 House—Referred to Committee on Elections—HJ 324  
 03/06/2015 House—Hearing: Monday, March 09, 2015, 1:30 PM Room 218-N  
 03/10/2015 House—Committee Report recommending bill be passed by Committee on Elections—HJ 338  
 03/25/2015 House—Stricken from Calendar by Rule 1507—HJ 566
- S 29** Bill by Assessment and Taxation  
**House Substitute for SB 29 by Committee on Taxation - Concerning taxation; relating to income tax, rates, itemized deductions, credits, income modifications and rural opportunity zones; tax amnesty; sales and compensating use tax, rates, food and distribution thereof; sales tax authority for Bourbon, Douglas and Thomas counties; cigarettes, rates; property taxation, consolidated fire districts.**  
 01/15/2015 Senate—Introduced—SJ 20  
 01/16/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 24  
 01/22/2015 Senate—Hearing: Wednesday, January 21, 2015, 9:30 AM Room 548-S  
 01/28/2015 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 47  
 02/24/2015 Senate—Committee of the Whole - Be passed—SJ 158  
 02/25/2015 Senate—Final Action - Passed; Yea: 35 Nay: 5—SJ 173  
 02/26/2015 House—Received and Introduced—HJ 307  
 03/04/2015 House—Referred to Committee on Taxation—HJ 324  
 05/27/2015 House—Committee report recommending a substitute bill be reported without recommendation by Committee on Taxation. Committee on Taxation—HJ 911  
 05/28/2015 House—Motion pursuant to House Rule 2311 to advance bill to Final Action subject to amendment, debate and roll call failed.—HJ 914
- S 30** Bill by Assessment and Taxation  
**Electronic filing of mineral severance tax returns required.**  
 01/15/2015 Senate—Introduced—SJ 20  
 01/16/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 24  
 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 9:30 AM Room 548-S  
 01/28/2015 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 47

- S 31** Bill by Assessment and Taxation  
**Permitted use of tax information in certain tax actions and proceedings; tax liens upon personal property; tax warrants; time for returns and payment of tax; liability for persons responsible for collection of sales or compensating tax.**  
 01/15/2015 Senate—Introduced—SJ 21  
 01/16/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 24  
 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 9:30 AM Room 548-S  
 02/04/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 67  
 03/23/2015 Senate—Committee of the Whole - Be passed as amended—SJ 320  
 03/24/2015 Senate—Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 362  
 03/25/2015 House—Received and Introduced—HJ 523  
 03/30/2015 House—Referred to Committee on Taxation—HJ 564
- S 32** Bill by Education  
**Requiring school district and state department of education audits; creating the efficient operation of schools task force.**  
 01/15/2015 Senate—Introduced—SJ 21  
 01/16/2015 Senate—Referred to Committee on Education—SJ 24  
 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 1:30 AM Room 144-S  
 02/12/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 107
- S 33** Bill by Education  
**Creating the Kansas education standards study commission.**  
 01/15/2015 Senate—Introduced—SJ 21  
 01/16/2015 Senate—Referred to Committee on Education—SJ 24  
 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 1:30 AM Room 144-S
- S 34** Bill by Judiciary  
**Penalties for voting crimes; prosecution of election crimes.**  
 01/15/2015 Senate—Introduced—SJ 21  
 01/16/2015 Senate—Referred to Committee on Judiciary—SJ 24  
 01/22/2015 Senate—Hearing: Thursday, January 29, 2015, 10:30 AM Room 346-S  
 02/10/2015 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 96  
 02/24/2015 Senate—Committee of the Whole - Motion to Amend - offered by Senator Haley—SJ 158  
 02/24/2015 Senate—Committee of the Whole - Amendment by Senator Haley was rejected Yea: 15 Nay: 23—SJ 158  
 02/24/2015 Senate—Committee of the Whole - Be passed—SJ 158  
 02/25/2015 Senate—Final Action - Passed; Yea: 23 Nay: 17—SJ 173  
 02/26/2015 House—Received and Introduced—HJ 307  
 03/04/2015 House—Referred to Committee on Judiciary—HJ 324  
 03/06/2015 House—Hearing: Thursday, March 12, 2015, 3:30 PM Room 112  
 03/18/2015 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 419  
 03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation—HJ 560  
 04/29/2015 House—Withdrawn from Committee on Taxation; Rereferred to Committee on Judiciary—HJ 608

- 05/05/2015 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 700
- 05/20/2015 House—Committee of the Whole - Be passed Yea: 63 Nay: 57—HJ 822
- 05/21/2015 House—Final Action - Passed; Yea: 67 Nay: 55—HJ 825
- 05/29/2015 Senate—Enrolled and presented to Governor on Friday, May 29, 2015—SJ 804
- 06/08/2015 Senate—Approved by Governor on Monday, June 8, 2015—SJ 1652
- S 35** Bill by Ways and Means  
**Appropriation revisions for FY 2015, FY 2016, FY 2017, and FY 2018 for various state agencies.**
- 01/16/2015 Senate—Introduced—SJ 24
- 01/20/2015 Senate—Referred to Committee on Ways and Means—SJ 27
- 01/21/2015 Senate—Hearing: Thursday, January 22, 2015, 10:30 AM Room 548-S
- S 36** Bill by Natural Resources  
**House Substitute for SB 36 by Committee on Agriculture and Natural Resources - Creating the local conservation lending program.**
- 01/20/2015 Senate—Introduced—SJ 26
- 01/21/2015 Senate—Referred to Committee on Natural Resources—SJ 34
- 01/22/2015 Senate—Hearing: Wednesday, January 28, 2015, 8:30 AM Room 159-S
- 02/04/2015 Senate—Committee Report recommending bill be passed by Committee on Natural Resources—SJ 76
- 02/18/2015 Senate—Committee of the Whole - Be passed—SJ 132
- 02/19/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 136
- 02/20/2015 House—Received and Introduced—HJ 267
- 02/23/2015 House—Referred to Committee on Agriculture and Natural Resources—HJ 278
- 03/06/2015 House—Hearing: Thursday, March 12, 2015, 3:30 PM Room 346-S
- 03/19/2015 House—Committee Report recommending substitute bill be passed by Committee on Agriculture and Natural Resources—HJ 426
- 03/24/2015 House—Committee of the Whole - Substitute bill be passed—HJ 513
- 03/25/2015 House—Final Action - Substitute passed; Yea: 125 Nay: 0—HJ 526
- 03/25/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Powell, Senator Kerschen and Senator Francisco as conferees—SJ 405
- 03/30/2015 House—Motion to accede adopted; Representative Schwartz, Representative Boldra and Representative Victors appointed as conferees—HJ 565
- 04/02/2015 Senate—Concurred with amendments in conference; Yea: 39 Nay: 1—SJ 512
- 04/29/2015 Senate—Enrolled and presented to Governor on Friday, April 10, 2015—SJ 526
- 04/29/2015 Senate—Approved by Governor on Thursday, April 16, 2015
- S 37** Bill by 2014 Special Committee on Judiciary  
**Enacting the Kansas foster parents' bill of rights act.**
- 01/20/2015 Senate—Introduced—SJ 26
- 01/21/2015 Senate—Referred to Committee on Judiciary—SJ 34
- 02/06/2015 Senate—Hearing: Wednesday, February 11, 2015, 10:30 AM Room 346-S

- S 38** Bill by 2014 Special Committee on Judiciary  
**Substitute for SB 38 by Committee on Judiciary - Bad faith assertions of patent infringement.**  
 01/20/2015 Senate—Introduced—SJ 26  
 01/21/2015 Senate—Referred to Committee on Judiciary—SJ 34  
 01/22/2015 Senate—Hearing: Tuesday, January 27, 2015, 10:30 AM Room 346-S  
 02/20/2015 Senate—Committee Report recommending substitute bill be passed by Committee on Judiciary—SJ 144  
 02/25/2015 Senate—Committee of the Whole - Substitute bill be passed—SJ 181  
 02/26/2015 Senate—Final Action - Substitute passed; Yea: 40 Nay: 0—SJ 186  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Judiciary—HJ 328  
 03/06/2015 House—Hearing: Wednesday, March 11, 2015, 3:30 PM Room 112-N  
 03/12/2015 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 358  
 03/19/2015 House—Committee of the Whole - Be passed as amended—HJ 426  
 03/20/2015 House—Final Action - Substitute passed as amended; Yea: 115 Nay: 0—HJ 479  
 03/23/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 320  
 03/24/2015 House—Motion to accede adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as conferees—HJ 501  
 05/11/2015 Senate—Senator Pettey replaces Senator Haley on the Conference Committee—SJ 598  
 05/13/2015 Senate—Concurred with amendments in conference; Yea: 38 Nay: 0—SJ 608  
 05/19/2015 Senate—Enrolled and presented to Governor on Tuesday, May 19, 2015—SJ 759  
 05/20/2015 Senate—Approved by Governor on Wednesday, May 20, 2015—SJ 761
- S 39** Bill by Public Health and Welfare  
**Updating statutory references and making corresponding changes due to 2012 E.R.O. No. 41.**  
 01/20/2015 Senate—Introduced—SJ 26  
 01/21/2015 Senate—Referred to Committee on Judiciary—SJ 34  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 10:30 AM Room 346-S  
 02/10/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 96  
 05/12/2015 Senate—Stricken from the Calendar—SJ 601
- S 40** Bill by Public Health and Welfare  
**Massage therapist licensure act.**  
 01/20/2015 Senate—Introduced—SJ 27  
 01/21/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 34  
 01/30/2015 Senate—Hearing: Tuesday, February 03, 2015, 1:30 PM Room 118-N
- S 41** Bill by Ethics and Elections  
**Uniformed and overseas citizens absentee voting act; out of state college students.**  
 01/20/2015 Senate—Introduced—SJ 27  
 01/21/2015 Senate—Referred to Committee on Ethics and Elections—SJ 34

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 9:30 AM Room 159-S
- S 42** 02/04/2015 Senate—Hearing: Thursday, February 05, 2015, 9:30 AM Room 159-S  
Bill by Assessment and Taxation  
**Governmental ethics; public funds used for lobbying; reporting.**  
01/21/2015 Senate—Introduced—SJ 33  
01/22/2015 Senate—Referred to Committee on Ethics and Elections—SJ 37  
01/30/2015 Senate—Hearing: Thursday, February 05, 2015, 9:30 AM Room 159-S  
03/04/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics and Elections—SJ 223  
03/19/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 299  
03/19/2015 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 299  
03/23/2015 House—Received and Introduced—HJ 486  
03/24/2015 House—Referred to Committee on Elections—HJ 500
- S 43** Bill by Transportation  
**Home on the range highway.**  
01/21/2015 Senate—Introduced—SJ 33  
01/22/2015 Senate—Referred to Committee on Transportation—SJ 37  
01/30/2015 Senate—Hearing: Thursday, February 05, 2015, 8:30 AM Room 546-S  
02/12/2015 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 110  
02/18/2015 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 126  
02/25/2015 Senate—Committee of the Whole - Be passed—SJ 180  
02/26/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 187  
03/04/2015 House—Received and Introduced—HJ 325  
03/05/2015 House—Referred to Committee on Transportation—HJ 328  
03/09/2015 House—Hearing: Wednesday, March 11, 2015, 1:30 PM Room 582N  
03/17/2015 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—HJ 394  
03/20/2015 House—Final Action - Passed; Yea: 106 Nay: 7—HJ 477  
03/30/2015 Senate—Enrolled and presented to Governor on Monday, March 30, 2015—SJ 416
- S 44** 04/02/2015 Senate—Approved by Governor on Thursday, April 2, 2015—SJ 516  
Bill by Judiciary  
**Docket fees; electronic filing and management fund.**  
01/21/2015 Senate—Introduced—SJ 33  
01/22/2015 Senate—Referred to Committee on Judiciary—SJ 37  
01/26/2015 Senate—Hearing: Wednesday, January 28, 2015, 10:30 AM Room 346-S  
02/05/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 83  
02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 180  
02/26/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 187  
03/04/2015 House—Received and Introduced—HJ 325  
03/05/2015 House—Referred to Committee on Judiciary—HJ 328  
03/06/2015 House—Hearing: Tuesday, March 10, 2015, 3:30 PM Room 112-N

- S 45** Bill by Senators Bruce, Abrams, Arpke, Baumgardner, Bowers, Donovan, Fitzgerald, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wilborn  
**Authorizing the carrying of concealed handguns without a license under the personal and family protection act.**  
 01/21/2015 Senate—Introduced—SJ 33  
 01/22/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 37  
 02/06/2015 Senate—Hearing: Thursday, February 12, 2015, 10:30 AM Room 144-S  
 02/20/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 144  
 02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 180  
 02/26/2015 Senate—Final Action - Passed as amended; Yea: 31 Nay: 7—SJ 187  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Federal and State Affairs—HJ 328  
 03/10/2015 House—Hearing: Friday, March 13, 2015, 9:00 AM Room 346S  
 03/18/2015 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 419  
 03/25/2015 House—Committee of the Whole - Be passed as amended—HJ 545  
 03/25/2015 House—Emergency Final Action - Passed as amended; Yea: 85 Nay: 39—HJ 551  
 03/25/2015 Senate—Concurred with amendments; Yea: 31 Nay: 8—SJ 409  
 03/31/2015 Senate—Enrolled and presented to Governor on Tuesday, March 31, 2015—SJ 440  
 04/02/2015 Senate—Approved by Governor on Thursday, April 2, 2015—SJ 516
- S 46** Bill by Agriculture  
**Identification of domesticated deer.**  
 01/21/2015 Senate—Introduced—SJ 33  
 01/22/2015 Senate—Referred to Committee on Agriculture—SJ 37  
 01/30/2015 Senate—Hearing: Monday, February 02, 2015, 8:30 AM Room 159-S  
 02/02/2015 Senate—Committee Report recommending bill be passed by Committee on Agriculture—SJ 55  
 02/24/2015 Senate—Committee of the Whole - Be passed—SJ 158  
 02/25/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 173  
 02/26/2015 House—Received and Introduced—HJ 307  
 03/04/2015 House—Referred to Committee on Agriculture and Natural Resources—HJ 324  
 03/06/2015 House—Hearing: Monday, March 09, 2015, 3:30 PM Room 346-S  
 03/10/2015 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Agriculture and Natural Resources—HJ 338  
 03/13/2015 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 364  
 03/20/2015 Senate—Enrolled and presented to Governor on Friday, March 20, 2015—SJ 318  
 03/25/2015 Senate—Approved by Governor on Wednesday, March 25, 2015—SJ 410
- S 47** Bill by Financial Institutions and Insurance  
**Establishing principle-based reserves and updating the standard nonforfeiture law for life insurance companies.**  
 01/21/2015 Senate—Introduced—SJ 33

- 01/22/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 37
- 01/23/2015 Senate—Hearing: Wednesday, January 28, 2015, 9:30 AM Room 546-S
- 02/03/2015 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 57
- 02/24/2015 Senate—Committee of the Whole - Be passed—SJ 158
- 02/25/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 174
- 02/26/2015 House—Received and Introduced—HJ 307
- 03/04/2015 House—Referred to Committee on Insurance—HJ 324
- 03/06/2015 House—Hearing: Wednesday, March 11, 2015, 3:30 PM Room 152-S
- 03/17/2015 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance—HJ 393
- 03/20/2015 House—Final Action - Passed; Yea: 115 Nay: 0—HJ 478
- 03/30/2015 Senate—Enrolled and presented to Governor on Monday, March 30, 2015—SJ 416
- 04/01/2015 Senate—Approved by Governor on Wednesday, April 1, 2015—SJ 452
- S 48** Bill by Ways and Means  
**Sunset of property tax exemption for new qualifying pipeline property and retention of exemption for existing exemptions.**
- 01/21/2015 Senate—Introduced—SJ 34
- 01/22/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 37
- 01/26/2015 Senate—Hearing: Wednesday, January 28, 2015, 9:30 AM Room 548
- 03/31/2015 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 420
- 05/14/2015 Senate—Committee of the Whole - Be passed—SJ 674
- 05/14/2015 Senate—Emergency Final Action - Passed; Yea: 23 Nay: 14—SJ 707
- 05/15/2015 House—Received and Introduced—HJ 796
- 05/18/2015 House—Referred to Committee on Taxation—HJ 803
- S 49** Bill by Public Health and Welfare  
**Kansas dental board; licensure of registered dental practitioners.**
- 01/21/2015 Senate—Introduced—SJ 34
- 01/22/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 37
- 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 1:30 PM Room 118-N
- S 50** Bill by Local Government  
**Property tax; valuation classification bed and breakfast homes.**
- 01/21/2015 Senate—Introduced—SJ 34
- 01/22/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 37
- S 51** Bill by Judiciary  
**Relating to court fees and costs; judicial branch surcharge fund; docket fees; electronic filing and management fund.**
- 01/22/2015 Senate—Introduced—SJ 35
- 01/23/2015 Senate—Referred to Committee on Judiciary—SJ 38
- 01/26/2015 Senate—Hearing: Wednesday, January 28, 2015, 9:30 AM Room 346-S
- 02/09/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 90
- 02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 180
- 02/26/2015 Senate—Final Action - Passed as amended; Yea: 34 Nay: 6—SJ 188
- 03/04/2015 House—Received and Introduced—HJ 325
- 03/05/2015 House—Referred to Committee on Judiciary—HJ 328
- 03/06/2015 House—Hearing: Tuesday, March 10, 2015, 3:30 PM Room 112-N

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 03/12/2015 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 358
- 03/25/2015 House—Stricken from Calendar by Rule 1507—HJ 566
- S 52** Bill by Natural Resources  
**Water; augmentation; multi-year flex accounts; local enhanced management areas; public water supply storage.**
- 01/22/2015 Senate—Introduced—SJ 35
- 01/23/2015 Senate—Referred to Committee on Natural Resources—SJ 38
- 01/26/2015 Senate—Hearing: Thursday, January 29, 2015, 8:30 AM Room 159-S
- 02/05/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 83
- 02/19/2015 Senate—Committee of the Whole - Be passed as amended—SJ 138
- 02/20/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 140
- 02/23/2015 House—Received and Introduced—HJ 278
- 02/24/2015 House—Referred to Committee on Agriculture and Natural Resources—HJ 283
- 03/06/2015 House—Hearing: Thursday, March 12, 2015, 3:30 PM Room 346-S
- 03/18/2015 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 402
- 03/25/2015 House—Committee of the Whole - Be passed as amended—HJ 547
- 03/25/2015 House—Emergency Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 554
- 03/30/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Powell, Senator Kerschen and Senator Francisco as conferees—SJ 414
- 03/30/2015 House—Motion to accede adopted; Representative Schwartz, Representative Boldra and Representative Victors appointed as conferees—HJ 565
- 04/29/2015 House—Conference Committee Report was adopted; Yea: 119 Nay: 0—HJ 609
- 05/07/2015 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 0—SJ 570
- 05/15/2015 Senate—Enrolled and presented to Governor on Friday, May 15, 2015—SJ 720
- 05/20/2015 Senate—Approved by Governor on Tuesday, May 19, 2015
- S 53** Bill by Corrections and Juvenile Justice  
**Relating to principles of criminal liability; liability for the crimes of another.**
- 01/22/2015 Senate—Introduced—SJ 35
- 01/23/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 38
- S 54** Bill by Financial Institutions and Insurance  
**House Substitute for SB 54 by Committee on Insurance - Allowing retiring KHP troopers and officers to convert certain unused leave for use to continue state health plan benefits.**
- 01/22/2015 Senate—Introduced—SJ 35
- 01/23/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 38
- 01/23/2015 Senate—Hearing: Thursday, January 29, 2015, 9:30 AM Room 546
- 02/03/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 57

- 02/12/2015 Senate—Withdrawn from Calendar, Rereferred to Committee on Financial Institutions and Insurance—SJ 104
- 02/17/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 124
- 02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 180
- 02/26/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 189
- 03/04/2015 House—Received and Introduced—HJ 325
- 03/05/2015 House—Referred to Committee on Insurance—HJ 328
- 03/13/2015 House—Hearing: Monday, March 16, 2015, 3:30 PM Room 152S
- 03/19/2015 House—Committee Report recommending substitute bill be passed by Committee on Insurance—HJ 465
- 03/25/2015 House—Stricken from Calendar by Rule 1507—HJ 566
- S 55** Bill by Financial Institutions and Insurance  
**Increasing the cap on consulting fees for financial examinations and the high risk pool financial examination period.**
- 01/22/2015 Senate—Introduced—SJ 35
- 01/23/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 38
- 01/23/2015 Senate—Hearing: Tuesday, January 27, 2015, 9:30 AM Room 546-S
- 02/03/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 57
- 02/19/2015 Senate—Committee of the Whole - Be passed as amended—SJ 138
- 02/20/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 140
- 02/23/2015 House—Received and Introduced—HJ 278
- 02/24/2015 House—Referred to Committee on Financial Institutions—HJ 283
- S 56** 03/10/2015 House—Hearing: Thursday, March 12, 2015, 3:30 PM Room 152S  
 Bill by Judiciary  
**Removing affirmative defense to promotion to minors of material harmful to minors for public, private or parochial schools.**
- 01/22/2015 Senate—Introduced—SJ 36
- 01/23/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 38
- 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 9:30 AM Room 118-
- 02/11/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 102
- 02/24/2015 Senate—Committee of the Whole - Be passed as amended—SJ 158
- 02/25/2015 Senate—Final Action - Passed as amended; Yea: 26 Nay: 14—SJ 174
- 02/26/2015 House—Received and Introduced—HJ 307
- 03/04/2015 House—Referred to Committee on Judiciary—HJ 324
- S 57** Bill by Judiciary  
**Kansas power of attorney act.**
- 01/22/2015 Senate—Introduced—SJ 36
- 01/23/2015 Senate—Referred to Committee on Judiciary—SJ 38
- 01/30/2015 Senate—Hearing: Tuesday, February 03, 2015, 10:30 AM Room 346-S
- 02/05/2015 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 83
- 02/25/2015 Senate—Committee of the Whole - Be passed—SJ 180
- 02/26/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 189
- 03/04/2015 House—Received and Introduced—HJ 325

- 03/05/2015 House—Referred to Committee on Judiciary—HJ 328  
 03/10/2015 House—Hearing: Wednesday, March 11, 2015, 3:30 PM Room 112N  
**S 58** Bill by Judiciary  
**Kansas judicial review act; venue.**  
 01/22/2015 Senate—Introduced—SJ 36  
 01/23/2015 Senate—Referred to Committee on Judiciary—SJ 38  
 01/26/2015 Senate—Hearing: Thursday, January 29, 2015, 10:30 AM Room 346-S  
 02/05/2015 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Judiciary—SJ 83  
 02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 180  
 02/26/2015 Senate—Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 189  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Judiciary—HJ 328  
**S 59** Bill by Judiciary  
**Clarifying district magistrate judge jurisdiction.**  
 01/22/2015 Senate—Introduced—SJ 36  
 01/23/2015 Senate—Referred to Committee on Judiciary—SJ 38  
 01/26/2015 Senate—Hearing: Wednesday, January 28, 2015, 10:30 AM Room 346-  
 S  
 02/20/2015 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Judiciary—SJ 144  
 02/26/2015 Senate—Withdrawn from Calendar; Referred to Committee on Federal  
 and State Affairs—SJ 221  
 03/05/2015 Senate—Withdrawn from Committee on Federal and State Affairs and  
 re-referred to Committee of the Whole—SJ 229  
 03/10/2015 Senate—Committee of the Whole - Be passed as amended—SJ 238  
 03/11/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 243  
 03/12/2015 House—Received and Introduced—HJ 347  
 03/13/2015 House—Referred to Committee on Judiciary—HJ 363  
 03/13/2015 House—Hearing: Wednesday, March 18, 2015, 3:30 PM Room 112N  
 03/23/2015 House—Committee Report recommending bill be passed as amended  
 by Committee on Judiciary—HJ 487  
**S 60** Bill by Federal and State Affairs  
**Substitute for SB 60 by Committee on Education - Authorizing participation  
 by less than full-time students in activities regulated by Kansas state  
 high school activities association.**  
 01/22/2015 Senate—Introduced—SJ 36  
 01/23/2015 Senate—Referred to Committee on Education—SJ 38  
 01/30/2015 Senate—Hearing: Monday, February 02, 2015, 1:30 PM Room 144-S  
 02/18/2015 Senate—Committee Report recommending substitute bill be passed by  
 Committee on Education—SJ 127  
 02/25/2015 Senate—Committee of the Whole - Substitute bill be passed—SJ 181  
 02/26/2015 Senate—Final Action - Substitute passed; Yea: 30 Nay: 9—SJ 190  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Education—HJ 328  
 03/13/2015 House—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 112N  
**S 61** Bill by Federal and State Affairs  
**Kansas lottery; sale of tickets; advertising; underage purchase of ticket  
 prohibited.**  
 01/22/2015 Senate—Introduced—SJ 36

- 01/23/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 38  
 01/26/2015 Senate—Hearing: Wednesday, January 28, 2015, 10:30 AM Room 144-S
- 02/10/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 96
- 02/23/2015 Senate—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs—SJ 150
- S 62** Bill by Federal and State Affairs  
**State fire marshal; search and rescue teams and hazardous materials response teams; tort claims immunity; emergency response fund.**  
 01/22/2015 Senate—Introduced—SJ 36  
 01/23/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 38  
 01/26/2015 Senate—Hearing: Tuesday, January 27, 2015, 10:30 AM Room 144-S  
 02/10/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 96  
 02/24/2015 Senate—Committee of the Whole - Be passed as amended—SJ 158  
 02/25/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 176  
 02/26/2015 House—Received and Introduced—HJ 307  
 03/04/2015 House—Referred to Committee on Federal and State Affairs—HJ 324
- S 63** Bill by Federal and State Affairs  
**Cities; land banks; municipalities may defer or reamortize special assessments.**  
 01/22/2015 Senate—Introduced—SJ 36  
 01/23/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 38  
 01/30/2015 Senate—Hearing: Tuesday, February 03, 2015, 9:30 AM Room 548-S  
 02/10/2015 Senate—Hearing: Wednesday, February 11, 2015, 9:30 AM Room 548-S  
 02/11/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 101  
 03/23/2015 Senate—Committee of the Whole - Be passed as amended—SJ 320  
 03/24/2015 Senate—Final Action - Passed as amended; Yea: 35 Nay: 5—SJ 363  
 03/25/2015 House—Received and Introduced—HJ 523  
 03/30/2015 House—Referred to Committee on Taxation—HJ 564
- S 64** Bill by Federal and State Affairs  
**Public water supply storage; interest rate change.**  
 01/22/2015 Senate—Introduced—SJ 36  
 01/23/2015 Senate—Referred to Committee on Natural Resources—SJ 38  
 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 8:30 AM Room 159-S  
 02/12/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 107  
 03/23/2015 Senate—Committee of the Whole - Be passed as amended—SJ 320  
 03/24/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 363  
 03/25/2015 House—Received and Introduced—HJ 523  
 03/30/2015 House—Referred to Committee on Agriculture and Natural Resources—HJ 564
- S 65** Bill by Federal and State Affairs  
**Carrying of concealed handguns by public employees while engaged in employment.**  
 01/22/2015 Senate—Introduced—SJ 36  
 01/23/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 38

- 02/13/2015 Senate—Hearing: Thursday, February 19, 2015, 10:30 AM Room 144-S  
03/18/2015 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 270
- S 66** Bill by Federal and State Affairs  
**Personal and family protection act; regulating concealed carry in portions of public buildings.**  
01/22/2015 Senate—Introduced—SJ 36  
01/23/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 38  
02/02/2015 Senate—Hearing: Thursday, February 05, 2015, 10:30 AM Room 144-S  
**S 67** Bill by Federal and State Affairs  
**Development and establishment of K-12 curriculum standards.**  
01/22/2015 Senate—Introduced—SJ 36  
01/23/2015 Senate—Referred to Committee on Education—SJ 38
- S 68** Bill by Senators O'Donnell, Petersen, Wagle  
**Designating the George Ablah expressway and Kenneth W. Bernard memorial highway.**  
01/22/2015 Senate—Introduced—SJ 36  
01/23/2015 Senate—Referred to Committee on Transportation—SJ 38  
01/30/2015 Senate—Hearing: Thursday, February 05, 2015, 8:30 AM Room 546-S  
02/12/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 109  
03/11/2015 Senate—Stricken from the Calendar.—SJ 247
- S 69** Bill by Public Health and Welfare  
**Advanced practice registered nurses; scope of practice and prescribing authority.**  
01/22/2015 Senate—Introduced—SJ 36  
01/23/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 38  
01/26/2015 Senate—Hearing: Thursday, January 29, 2015, 1:30 PM Room 118-N  
**S 70** Bill by Corrections and Juvenile Justice  
**Background checks and licensure of teachers; background checks for school employees with direct contact with students.**  
01/26/2015 Senate—Introduced—SJ 40  
01/27/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 43  
02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 9:30 AM Room 118-N  
02/20/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 143  
02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 180  
02/26/2015 Senate—Final Action - Passed as amended; Yea: 29 Nay: 10—SJ 190  
03/04/2015 House—Received and Introduced—HJ 325  
03/05/2015 House—Referred to Committee on Education—HJ 328  
03/13/2015 House—Hearing: Wednesday, March 18, 2015, 1:30 PM Room 112N  
03/23/2015 House—Committee Report recommending bill be passed as amended by Committee on Education—HJ 487
- S 71** 03/25/2015 House—Stricken from Calendar by Rule 1507—HJ 566  
Bill by Ways and Means  
**School districts; amending the supplemental general state aid calculation.**  
01/26/2015 Senate—Introduced—SJ 40  
01/27/2015 Senate—Referred to Committee on Ways and Means—SJ 43  
01/30/2015 Senate—Hearing: Tuesday, February 03, 2015, 10:30 AM Room 548-S

- S 72** Bill by Transportation  
**Operation of transit buses on certain right shoulders in Wyandotte County.**  
 01/26/2015 Senate—Introduced—SJ 40  
 01/27/2015 Senate—Referred to Committee on Transportation—SJ 43  
 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 8:30 AM Room 546-S  
 02/10/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 97  
 02/19/2015 Senate—Committee of the Whole - Be passed as amended—SJ 138  
 02/20/2015 Senate—Final Action - Passed as amended; Yea: 35 Nay: 5—SJ 140  
 02/23/2015 House—Received and Introduced—HJ 278  
 02/24/2015 House—Referred to Committee on Transportation—HJ 283  
 03/05/2015 House—Hearing: Tuesday, March 10, 2015, 1:30 PM Room 582N  
 03/17/2015 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 393  
 03/25/2015 House—Stricken from Calendar by Rule 1507—HJ 566
- S 73** Bill by Transportation  
**Definitions of certain vehicles.**  
 01/26/2015 Senate—Introduced—SJ 40  
 01/27/2015 Senate—Referred to Committee on Transportation—SJ 43  
 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 8:30 AM Room 546-S  
 02/12/2015 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 110  
 02/18/2015 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 126  
 02/26/2015 Senate—Committee of the Whole - Be passed—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 212  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Transportation—HJ 328  
 03/09/2015 House—Hearing: Wednesday, March 11, 2015, 1:30 PM Room 582N  
 03/18/2015 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 421  
 03/23/2015 House—Committee of the Whole - Be passed—HJ 486  
 03/24/2015 House—Final Action - Passed; Yea: 120 Nay: 5—HJ 502  
 03/30/2015 Senate—Enrolled and presented to Governor on Monday, March 30, 2015—SJ 416  
 04/01/2015 Senate—Approved by Governor on Wednesday, April 1, 2015—SJ 452
- S 74** Bill by Judiciary  
**Relating to drivers' license reinstatement fees.**  
 01/26/2015 Senate—Introduced—SJ 40  
 01/27/2015 Senate—Referred to Committee on Judiciary—SJ 43  
 01/30/2015 Senate—Hearing: Tuesday, February 03, 2015, 10:30 AM Room 346-S  
 02/06/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 88  
 05/12/2015 Senate—Stricken from the Calendar—SJ 601
- S 75** Bill by Financial Institutions and Insurance  
**Amending the patient protection act to prohibit the use of certain provisions in agreements.**  
 01/26/2015 Senate—Introduced—SJ 40

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 01/27/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 43
- 02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 9:30 AM Room 546-S
- S 76** Bill by Financial Institutions and Insurance  
**Requiring certain insurers and insurance groups to maintain a risk management framework through an internal risk self-assessment.**
- 01/26/2015 Senate—Introduced—SJ 40
- 01/27/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 43
- 01/28/2015 Senate—Hearing: Thursday, January 29, 2015, 9:30 AM Room 546-S
- 02/03/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 57
- 02/18/2015 Senate—Committee of the Whole - Be passed as amended—SJ 132
- 02/19/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 137
- 02/20/2015 House—Received and Introduced—HJ 267
- 02/23/2015 House—Referred to Committee on Insurance—HJ 278
- 03/06/2015 House—Hearing: Wednesday, March 11, 2015, 3:30 PM Room 152-S
- 03/17/2015 House—Committee Report recommending bill be passed by Committee on Insurance—HJ 393
- 03/24/2015 House—Committee of the Whole - Be passed—HJ 513
- 03/25/2015 House—Final Action - Passed; Yea: 123 Nay: 2—HJ 527
- 03/31/2015 Senate—Enrolled and presented to Governor on Tuesday, March 31, 2015—SJ 440
- 04/29/2015 Senate—Approved by Governor on Monday, April 6, 2015
- S 77** Bill by Ethics and Elections  
**Governmental ethics commission fees.**
- 01/26/2015 Senate—Introduced—SJ 41
- 01/27/2015 Senate—Referred to Committee on Ethics and Elections—SJ 43
- 01/28/2015 Senate—Hearing: Thursday, January 29, 2015, 9:30 AM Room 159
- 02/19/2015 Senate—Committee Report recommending bill be passed by Committee on Ethics and Elections—SJ 137
- 02/25/2015 Senate—Committee of the Whole - Be passed—SJ 180
- 02/26/2015 Senate—Final Action - Passed; Yea: 36 Nay: 4—SJ 191
- 03/04/2015 House—Received and Introduced—HJ 325
- 03/05/2015 House—Referred to Committee on Elections—HJ 328
- 03/06/2015 House—Hearing: Monday, March 09, 2015, 1:30 PM Room 218-N
- 03/19/2015 House—Committee Report recommending bill be passed as amended by Committee on Elections—HJ 459
- 03/25/2015 House—Stricken from Calendar by Rule 1507—HJ 566
- S 78** Bill by Ethics and Elections  
**Campaign finance; legislators filing report electronically.**
- 01/26/2015 Senate—Introduced—SJ 41
- 01/27/2015 Senate—Referred to Committee on Ethics and Elections—SJ 43
- 01/28/2015 Senate—Hearing: Thursday, January 29, 2015, 9:30 AM Room 159-S
- 02/19/2015 Senate—Committee Report recommending bill be passed by Committee on Ethics and Elections—SJ 137
- 02/25/2015 Senate—Committee of the Whole - Be passed—SJ 180
- 02/26/2015 Senate—Final Action - Not passed; Yea: 20 Nay: 20—SJ 191

- S 79** Bill by Ethics and Elections  
**Electronic publication of propositions to amend the constitution.**  
 01/26/2015 Senate—Introduced—SJ 41  
 01/27/2015 Senate—Referred to Committee on Ethics and Elections—SJ 43  
 01/28/2015 Senate—Hearing: Thursday, January 29, 2015, 8:30 AM Room 159-S
- S 80** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey  
**Enacting the Kansas working families pay raise act.**  
 01/26/2015 Senate—Introduced—SJ 41  
 01/27/2015 Senate—Referred to Committee on Commerce—SJ 43
- S 81** Bill by Ways and Means  
**Appropriation revisions and supplementals for FY 2015 and FY 2016 for various state agencies.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Ways and Means—SJ 47  
 01/28/2015 Senate—Hearing: Wednesday, January 28, 2015, 10:30 AM Room 548-S
- S 82** Bill by Transportation  
**Creating the seat belt safety fund; increasing the fine for adult seat belt violations.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Transportation—SJ 47  
 01/30/2015 Senate—Hearing: Tuesday, February 03, 2015, 8:30 AM Room 546-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 167  
 03/11/2015 Senate—Stricken from the Calendar.—SJ 247
- S 83** Bill by Commerce  
**Distance prohibitions and spacing requirements for wells.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Utilities—SJ 47
- S 84** Bill by Commerce  
**Cities; rehabilitation of abandoned property; definitions, other.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Commerce—SJ 46  
 02/02/2015 Senate—Hearing: Thursday, February 05, 2015, 8:30 AM Room 548-S  
 02/09/2015 Senate—Hearing: Tuesday, February 10, 2015, 8:30 AM Room 548-S  
 02/20/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 142  
 05/19/2015 Senate—Stricken from the Calendar.—SJ 759
- S 85** Bill by Federal and State Affairs  
**Length of regular legislative session in odd-numbered years.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 47
- S 86** Bill by Federal and State Affairs  
**Kansas transparency act.**  
 01/28/2015 Senate—Introduced—SJ 45  
 01/29/2015 Senate—Referred to Committee on Ethics and Elections—SJ 50  
 01/29/2015 Senate—Withdrawn from Committee on Ethics and Elections; Referred to Committee on Federal and State Affairs—SJ 50

- 02/06/2015 Senate—Hearing: Wednesday, February 11, 2015, 10:30 AM Room 144-S
- 02/25/2015 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 179
- 03/19/2015 Senate—Committee of the Whole - Be passed—SJ 297
- 03/19/2015 Senate—Emergency Final Action - Passed; Yea: 38 Nay: 0—SJ 302
- 03/20/2015 House—Received and Introduced—HJ 477
- 03/23/2015 House—Referred to Committee on Judiciary—HJ 486
- S 87** Bill by Federal and State Affairs  
**Secretary of State; political action committees prohibited.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Ethics and Elections—SJ 47
- S 88** Bill by Federal and State Affairs  
**Law enforcement officers; training requirements; mentally ill persons.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 47
- S 89** Bill by Corrections and Juvenile Justice  
**Requiring county and district attorneys to report certain criminal and juvenile offender caseload information.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 47  
 02/06/2015 Senate—Hearing: Wednesday, February 11, 2015, 9:30 AM Room 118-N  
 02/19/2015 Senate—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—SJ 137
- S 90** 05/12/2015 Senate—Stricken from the Calendar—SJ 601  
 Bill by Corrections and Juvenile Justice  
**Licensure of bail enforcement agents by the attorney general.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 47  
 01/30/2015 Senate—Hearing: Thursday, February 05, 2015, 9:30 AM Room 118-N  
 02/11/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 102  
 05/12/2015 Senate—Stricken from the Calendar—SJ 601
- S 91** Bill by Utilities  
**House Substitute for SB 91 by Committee on Energy and Environment - Renewable energy standards act and property tax exemptions for renewable energy resources.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Utilities—SJ 47  
 02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 1:30 PM Room 548-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Utilities—SJ 167  
 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 212

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 03/04/2015 House—Received and Introduced—HJ 325
- 03/05/2015 House—Referred to Committee on Energy and Environment—HJ 328
- 03/17/2015 House—Withdrawn from Committee on Energy and Environment;  
Referred to Committee on Appropriations—HJ 378
- 03/18/2015 House—Withdrawn from Committee on Appropriations; Rereferred to  
Committee on Energy and Environment—HJ 396
- 05/05/2015 House—Committee Report recommending substitute bill be passed by  
Committee on Energy and Environment—HJ 704
- 05/07/2015 House—Committee of the Whole - Substitute bill be passed—HJ 735
- 05/07/2015 House—Emergency Final Action - Substitute passed; Yea: 107 Nay: 11  
—HJ 739
- 05/11/2015 Senate—Nonconcurrent with amendments; Conference Committee  
requested; appointed Senator Olson, Senator Petersen and Senator  
Francisco as conferees—SJ 597
- 05/11/2015 House—Motion to accede adopted; Representative Hedke,  
Representative Corbet and Representative Kuether appointed as conferees  
—HJ 768
- 05/13/2015 House—Conference Committee Report agree to disagree adopted;  
Representative Hedke, Representative Corbet and Representative Kuether  
appointed as second conferees—HJ 774
- 05/13/2015 Senate—Conference Committee Report agree to disagree adopted;  
Senator Olson, Senator Petersen and Senator Francisco appointed as  
second conferees—SJ 607
- 05/14/2015 House—Conference Committee Report was adopted; Yea: 105 Nay: 16  
—HJ 791
- 05/14/2015 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 3—  
SJ 709
- 05/21/2015 Senate—Enrolled and presented to Governor on Thursday, May 21,  
2015—SJ 774
- 05/28/2015 Senate—Approved by Governor on Thursday, May 28, 2015—SJ 786
- S 92** Bill by Federal and State Affairs
- Legislators compensation; per diem pay limited.**
- 01/27/2015 Senate—Introduced—SJ 43
- S 93** 01/28/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 47  
Bill by Education
- Career technical education performance-based funding requirements.**
- 01/28/2015 Senate—Introduced—SJ 45
- 01/29/2015 Senate—Referred to Committee on Education—SJ 50
- 02/02/2015 Senate—Hearing: Tuesday, February 03, 2015, 1:30 PM Room 144-S
- 02/04/2015 Senate—Committee Report recommending bill be passed as amended  
by Committee on Education—SJ 69
- 02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 180
- 02/26/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 191
- 03/04/2015 House—Received and Introduced—HJ 325
- 03/05/2015 House—Referred to Committee on Education—HJ 328
- 03/13/2015 House—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 112N
- 03/18/2015 House—Hearing: Thursday, March 19, 2015, 1:00 PM Room 112-N
- 03/25/2015 House—Committee Report recommending bill be passed by Committee  
on Education—HJ 559
- 03/25/2015 House—Stricken from Calendar by Rule 1507—HJ 566

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- S 94** Bill by Transportation  
**Unlawful passing of a waste collector; penalties.**  
 01/28/2015 Senate—Introduced—SJ 45  
 01/29/2015 Senate—Referred to Committee on Transportation—SJ 50  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 8:30 AM Room 546-S
- S 95** Bill by Senators Love, Abrams, Arpke, Baumgardner, Bruce, Donovan, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn  
**Creating the Kansas unborn child protection from dismemberment abortion act.**  
 01/28/2015 Senate—Introduced—SJ 45  
 01/29/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 50  
 01/30/2015 Senate—Hearing: Monday, February 02, 2015, 1:30 PM Room 118-N  
 02/16/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 120  
 02/19/2015 Senate—Committee of the Whole - Be passed as amended—SJ 138  
 02/20/2015 Senate—Final Action - Passed as amended; Yea: 31 Nay: 9—SJ 141  
 02/23/2015 House—Received and Introduced—HJ 278  
 02/24/2015 House—Referred to Committee on Federal and State Affairs—HJ 283  
 03/11/2015 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 343  
 03/25/2015 House—Committee of the Whole - Be passed—HJ 530  
 03/25/2015 House—Emergency Final Action - Passed; Yea: 98 Nay: 26—HJ 547  
 03/31/2015 Senate—Enrolled and presented to Governor on Tuesday, March 31, 2015—SJ 440  
 04/29/2015 Senate—Approved by Governor on Tuesday, April 7, 2015—SJ 521
- S 96** Bill by Public Health and Welfare  
**Kansas disclosure of unanticipated medical outcomes and medical errors act.**  
 01/28/2015 Senate—Introduced—SJ 45  
 01/29/2015 Senate—Referred to Committee on Judiciary—SJ 50
- S 97** Bill by Natural Resources  
**Allowing contact with certain regulated animals.**  
 01/28/2015 Senate—Introduced—SJ 45  
 01/29/2015 Senate—Referred to Committee on Natural Resources—SJ 50  
 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 8:30 AM Room 159-S  
 02/12/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 109  
 02/26/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 206  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 23 Nay: 17—SJ 213  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Agriculture and Natural Resources—HJ 328
- S 98** Bill by Senator LaTurner  
**Open records, charges limited; open meetings; minutes required.**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 50

- 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 10:30 AM Room 144-S  
 02/25/2015 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Federal and State Affairs—SJ 180  
 03/19/2015 Senate—Committee of the Whole - Be passed as amended—SJ 298  
 03/19/2015 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 0  
 —SJ 302  
 03/23/2015 House—Received and Introduced—HJ 486  
 03/24/2015 House—Referred to Committee on Judiciary—HJ 500
- S 99** Bill by Federal and State Affairs  
**Creating an exception to maximum vehicle length requirements for custom  
 harvesters.**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Transportation—SJ 50
- S 100** Bill by Financial Institutions and Insurance  
**Amending certain provisions of the UCCC relating to consumer loan definition  
 and certain finance charges.**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Financial Institutions and Insurance  
 —SJ 50
- S 101** Bill by Financial Institutions and Insurance  
**Health care provider insurance availability act; definitions; self-insurance;  
 health care systems.**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Financial Institutions and Insurance  
 —SJ 50  
 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 9:30 AM Room 546-S  
 02/11/2015 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Financial Institutions and Insurance—SJ 102  
 02/18/2015 Senate—Committee of the Whole - Be passed as amended—SJ 132  
 02/19/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 137  
 02/20/2015 House—Received and Introduced—HJ 267  
 02/23/2015 House—Referred to Committee on Insurance—HJ 278  
 03/06/2015 House—Hearing: Wednesday, March 11, 2015, 3:30 PM Room 152-S  
 03/19/2015 House—Committee Report recommending bill be passed as amended  
 by Committee on Insurance—HJ 466  
 03/24/2015 House—Committee of the Whole - Be passed as amended—HJ 514  
 03/25/2015 House—Final Action - Passed as amended; Yea: 125 Nay: 0—HJ 527  
 03/25/2015 Senate—Nonconcurrent with amendments; Conference Committee  
 requested; appointed Senator Longbine, Senator Bowers and Senator  
 Hawk as conferees—SJ 405  
 03/30/2015 House—Motion to accede adopted; Representative Schwab,  
 Representative Bruchman and Representative Houston appointed as  
 conferees—HJ 565  
 05/13/2015 Senate—Senator Kelly replaces Senator Hawk on the Conference  
 Committee—SJ 606  
 05/19/2015 House—Conference Committee Report was adopted; Yea: 119 Nay: 3—  
 HJ 812  
 05/19/2015 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 0—  
 SJ 728

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 05/21/2015 Senate—Enrolled and presented to Governor on Thursday, May 21, 2015—SJ 774
- 05/26/2015 Senate—Approved by Governor on Friday, May 22, 2015—SJ 776
- S 102** Bill by Financial Institutions and Insurance  
**Access to opioid analgesics with abuse-deterrent properties.**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 50
- S 103** Bill by Financial Institutions and Insurance  
**Pharmacy benefits managers limitations on activities.**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 50
- 02/06/2015 Senate—Hearing: Thursday, February 12, 2015, 9:30 AM Room 546-S  
 02/26/2015 Senate—Hearing: Thursday, March 05, 2015, 9:30 AM Room 548-S
- S 104** Bill by Judiciary  
**Courts; use of two-way electronic audio-visual communication.**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Judiciary—SJ 50  
 02/13/2015 Senate—Hearing: Monday, February 16, 2015, 10:30 AM Room 346-S  
 02/20/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 144
- S 105** Bill by Judiciary  
**Enacting updates to the uniform interstate family support act (UIFSA 2008).**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Judiciary—SJ 50  
 01/30/2015 Senate—Hearing: Tuesday, February 03, 2015, 10:30 AM Room 346-S  
 02/10/2015 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 96  
 02/12/2015 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 104  
 02/26/2015 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 221  
 03/05/2015 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 229  
 03/10/2015 Senate—Committee of the Whole - Be passed—SJ 238  
 03/11/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 244  
 03/12/2015 House—Received and Introduced—HJ 347  
 03/13/2015 House—Referred to Committee on Federal and State Affairs—HJ 363  
 03/17/2015 House—Hearing: Friday, March 20, 2015, 9:00 AM Room 346-S  
 03/23/2015 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 487  
 05/07/2015 House—Committee of the Whole - Be passed—HJ 724  
 05/07/2015 House—Emergency Final Action - Passed; Yea: 118 Nay: 0—HJ 741  
 05/15/2015 Senate—Enrolled and presented to Governor on Friday, May 15, 2015—SJ 720
- 05/20/2015 Senate—Approved by Governor on Tuesday, May 19, 2015
- S 106** Bill by Commerce  
**Real estate brokers and salespersons; licensing requirements; sale transaction requirements.**

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Commerce—SJ 50  
 02/02/2015 Senate—Hearing: Thursday, February 05, 2015, 8:30 AM Room 548-S  
 02/17/2015 Senate—Committee Report recommending bill be passed by Committee on Commerce—SJ 124  
 02/24/2015 Senate—Committee of the Whole - Be passed—SJ 158  
 02/25/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 177  
 02/26/2015 House—Received and Introduced—HJ 307  
 03/04/2015 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 324  
 03/06/2015 House—Hearing: Wednesday, March 11, 2015, 1:30 PM Room 346-S
- S 107** Bill by Commerce  
**Public entities expenditures for energy projects intended to reduce energy costs.**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Commerce—SJ 50  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 8:30 AM Room 548-S
- S 108** Bill by Commerce  
**Real estate brokers and salespersons; license fees; education; applicants; prohibited acts; transaction representation.**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Commerce—SJ 50  
 02/02/2015 Senate—Hearing: Thursday, February 05, 2015, 8:30 AM Room 548-S  
 02/17/2015 Senate—Committee Report recommending bill be passed by Committee on Commerce—SJ 124  
 02/24/2015 Senate—Committee of the Whole - Be passed—SJ 158  
 02/25/2015 Senate—Final Action - Passed; Yea: 36 Nay: 4—SJ 177  
 02/26/2015 House—Received and Introduced—HJ 307  
 03/04/2015 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 324  
 03/06/2015 House—Hearing: Wednesday, March 11, 2015, 1:30 PM Room 346-S  
 03/17/2015 House—Committee Report recommending bill be passed as amended by Committee on Commerce, Labor and Economic Development—HJ 379  
 03/23/2015 House—Committee of the Whole - Be passed as amended—HJ 487  
 03/24/2015 House—Final Action - Passed as amended; Yea: 108 Nay: 17—HJ 502  
 03/25/2015 Senate—Concurred with amendments; Yea: 37 Nay: 2—SJ 409  
 03/31/2015 Senate—Enrolled and presented to Governor on Tuesday, March 31, 2015—SJ 440
- S 109** 04/29/2015 Senate—Approved by Governor on Monday, April 6, 2015  
 Bill by Utilities  
**Emergencies and disasters and the Kansas disaster utilities response act.**  
 01/29/2015 Senate—Introduced—SJ 49  
 01/30/2015 Senate—Referred to Committee on Utilities—SJ 51  
 02/06/2015 Senate—Hearing: Thursday, February 12, 2015, 1:30 PM Room 548-S  
 02/16/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Utilities—SJ 120  
 02/24/2015 Senate—Committee of the Whole - Be passed as amended—SJ 158  
 02/25/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 177  
 02/26/2015 House—Received and Introduced—HJ 307

- 03/04/2015 House—Referred to Committee on Utilities and Telecommunications—HJ 325
- 03/09/2015 House—Hearing: Thursday, March 12, 2015, 9:00 AM Room 582N
- 03/12/2015 House—Committee Report recommending bill be passed as amended by Committee on Utilities and Telecommunications—HJ 360
- 03/19/2015 House—Committee of the Whole - Be passed as amended—HJ 426
- 03/20/2015 House—Final Action - Passed as amended; Yea: 115 Nay: 0—HJ 480
- 03/24/2015 Senate—Concurred with amendments; Yea: 40 Nay: 0—SJ 362
- 03/30/2015 Senate—Enrolled and presented to Governor on Monday, March 30, 2015—SJ 416
- S 110** 04/01/2015 Senate—Approved by Governor on Wednesday, April 1, 2015—SJ 452  
 Bill by Senators Olson, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Faust-Goudeau, Francisco, Hawk, Hensley, Holmes, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Melcher, O'Donnell, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Smith, Tyson, Wilborn, Wolf  
**Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.**
- 01/29/2015 Senate—Introduced—SJ 49
- 01/30/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 51
- S 111** Bill by Corrections and Juvenile Justice  
**Correctional supervision fee; correctional supervision fund.**
- 01/29/2015 Senate—Introduced—SJ 49
- 01/30/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 51
- 02/06/2015 Senate—Hearing: Thursday, February 12, 2015, 9:30 AM Room 118-N
- S 112** Bill by Judiciary  
**Appropriations for FY 2015, FY 2016, FY 2017, FY 2018, and FY 2019 for various state agencies; capital improvement projects; claims against the state.**
- 01/29/2015 Senate—Introduced—SJ 49
- 01/30/2015 Senate—Referred to Committee on Judiciary—SJ 51
- 02/13/2015 Senate—Hearing: Thursday, February 19, 2015, 10:30 PM Room 346-S
- 02/23/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 152
- 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195
- 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 213
- 03/04/2015 House—Received and Introduced—HJ 325
- 03/05/2015 House—Referred to Committee on Judiciary—HJ 328
- 03/10/2015 House—Hearing: Wednesday, March 11, 2015, 3:30 PM Room 112N
- 03/16/2015 House—Withdrawn from Committee on Judiciary; Referred to Committee on Veterans, Military and Homeland Security—HJ 376
- 03/23/2015 House—Committee Report recommending substitute bill be passed by Committee on Veterans, Military and Homeland Security—HJ 497
- 03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation—HJ 560
- 04/29/2015 House—Withdrawn from Committee on Taxation; Rereferred to Committee on Veterans, Military and Homeland Security—HJ 608

- 05/01/2015 House—Committee Report recommending substitute bill be passed by Committee on Veterans, Military and Homeland Security—HJ 660
- 05/07/2015 House—Committee of the Whole - Substitute bill be passed—HJ 724
- 05/07/2015 House—Emergency Final Action - Substitute passed; Yea: 118 Nay: 0—HJ 737
- 05/11/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 597
- 05/11/2015 House—Motion to accede adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as conferees—HJ 768
- 05/11/2015 Senate—Senator Pettey replaces Senator Haley on the Conference Committee—SJ 598
- 06/01/2015 Senate—Senator Masterson replaces Senator King on the Conference Committee—SJ 1003
- 06/01/2015 Senate—Senator Denning replaces Senator Smith on the Conference Committee—SJ 1003
- 06/01/2015 Senate—Senator Kelly replaces Senator Pettey on the Conference Committee—SJ 1003
- 06/02/2015 House—Representative Ryckman replaces Representative Barker on the Conference Committee—HJ 1043
- 06/02/2015 House—Representative Schwartz replaces Representative Macheers on the Conference Committee—HJ 1038
- 06/02/2015 House—Representative Henry replaces Representative Carmichael on the Conference Committee—HJ 1038
- 06/02/2015 House—Conference Committee Report agree to disagree adopted; Representative Ryckman, Representative Schwartz and Representative Henry appointed as second conferees—HJ 1042
- 06/02/2015 Senate—Conference Committee Report agree to disagree adopted; Senator Masterson, Senator Denning and Senator Kelly appointed as second conferees—SJ 1005
- 06/03/2015 House—Conference Committee Report was adopted; Yea: 64 Nay: 48—HJ 1045
- 06/07/2015 Senate—Conference Committee Report was adopted; Yea: 23 Nay: 11—SJ 1225
- 06/11/2015 Senate—Enrolled and presented to Governor on Thursday, June 11, 2015—SJ 1686
- 06/26/2015 Senate—Approved by Governor except line item veto of Sections 142(f) and 143(f) on Tuesday, June 16, 2015—SJ 1746
- 06/26/2015 Senate—No motion to reconsider line item vetoes; Vetoes sustained—SJ 1749
- S 113** Bill by Judiciary  
**Creating a civil remedy statute for human trafficking victims; specifying restitution measures for such victims and directing certain restitution to the human trafficking victim assistance fund; changing statutory references to the crimes of human trafficking and commercial sexual exploitation of a child.**
- 01/29/2015 Senate—Introduced—SJ 49
- 01/30/2015 Senate—Referred to Committee on Judiciary—SJ 51
- 02/13/2015 Senate—Hearing: Thursday, February 19, 2015, 10:30 AM Room 346-S

- 02/23/2015 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 152
- 02/26/2015 Senate—Committee of the Whole - Be passed—SJ 195
- 02/26/2015 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 1—SJ 214
- 03/04/2015 House—Received and Introduced—HJ 325
- 03/05/2015 House—Referred to Committee on Judiciary—HJ 328
- 03/10/2015 House—Hearing: Wednesday, March 11, 2015, 3:30 PM Room 112N
- 03/13/2015 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 368
- 03/17/2015 House—Committee of the Whole - Be passed as amended—HJ 379
- 03/18/2015 House—Final Action - Passed as amended; Yea: 121 Nay: 0—HJ 398
- 03/18/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 292
- 03/19/2015 House—Motion to accede adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as conferees—HJ 423
- 03/23/2015 House—Representative Highberger replaces Representative Carmichael on the Conference Committee—HJ 498
- 03/30/2015 House—Representative Carmichael replaces Representative Highberger on the Conference Committee—HJ 566
- 05/11/2015 Senate—Senator Pettey replaces Senator Haley on the Conference Committee—SJ 598
- 05/15/2015 House—Conference Committee Report agree to disagree adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as second conferees—HJ 796
- 05/18/2015 Senate—Conference Committee Report agree to disagree adopted; Senator King, Senator Smith and Senator Pettey appointed as second conferees—SJ 723
- 05/21/2015 House—Conference Committee Report not adopted; Representative Barker, Representative Macheers and Representative Ward appointed as third conferees—HJ 895
- 05/26/2015 Senate—Motion to accede adopted; Senator King, Senator Smith and Senator Haley appointed as third conferees—SJ 776
- 05/29/2015 House—Conference Committee Report agree to disagree adopted; Representative Pauls, Representative Macheers and Representative Ward appointed as fourth conferees—HJ 949
- 05/30/2015 Senate—Conference Committee Report agree to disagree adopted; Senator King, Senator Smith and Senator Haley appointed as fourth conferees—SJ 806
- 05/31/2015 House—Conference Committee Report was adopted; Yea: 111 Nay: 0—HJ 956
- 06/01/2015 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 0—SJ 929
- 06/05/2015 Senate—Enrolled and presented to Governor on Friday, June 05, 2015—SJ 1073
- 06/09/2015 Senate—Approved by Governor on Tuesday, June 9, 2015—SJ 1653
- S 114** Bill by Judiciary  
**Birth certificate amendments; charge for non-judicial personnel.**
- 01/29/2015 Senate—Introduced—SJ 49

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 01/30/2015 Senate—Referred to Committee on Judiciary—SJ 51
- 02/13/2015 Senate—Hearing: Thursday, February 19, 2015, 10:30 AM Room 346-S
- S 115** Bill by Federal and State Affairs  
**Saving communities amendments to the personal and family protection act.**
- 01/29/2015 Senate—Introduced—SJ 49
- 01/30/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 51
- S 116** Bill by Federal and State Affairs  
**Expungement of DUI diversions and misdemeanor convictions; removing diversions from habitual violator considerations.**
- 01/29/2015 Senate—Introduced—SJ 49
- 01/30/2015 Senate—Referred to Committee on Judiciary—SJ 51
- S 117** Bill by Financial Institutions and Insurance  
**House Substitute for SB 117 by Committee on Insurance - Regulation of transportation network company services.**
- 01/29/2015 Senate—Introduced—SJ 49
- 01/30/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 51
- 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 9:30 AM Room 546-S
- 02/11/2015 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 102
- 02/24/2015 Senate—Committee of the Whole - Be passed—SJ 158
- 02/25/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 177
- 02/26/2015 House—Received and Introduced—HJ 307
- 03/04/2015 House—Referred to Committee on Insurance—HJ 324
- 03/13/2015 House—Hearing: Monday, March 16, 2015, 3:30 PM Room 152S
- 03/19/2015 House—Withdrawn from Committee on Insurance; Referred to Committee on Taxation—HJ 423
- 03/20/2015 House—Withdrawn from Committee on Taxation; Rereferred to Committee on Insurance—HJ 477
- 03/24/2015 House—Committee Report recommending substitute bill be passed by Committee on Insurance—HJ 514
- 03/25/2015 House—Committee of the Whole - Motion to refer to Committee on Appropriations failed. Committee on Appropriations—HJ 547
- 03/25/2015 House—Committee of the Whole - Substitute bill be passed as amended—HJ 547
- 03/25/2015 House—Emergency Final Action - Substitute passed as amended; Yea: 105 Nay: 19—HJ 557
- 03/30/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Bowers and Senator Hawk as conferees—SJ 414
- 03/30/2015 House—Motion to accede adopted; Representative Schwab, Representative Bruchman and Representative Houston appointed as conferees—HJ 566
- 04/02/2015 House—Conference Committee Report was adopted; Yea: 107 Nay: 16—HJ 591
- 04/02/2015 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 2—SJ 460
- 04/29/2015 Senate—Enrolled and presented to Governor on Friday, April 10, 2015—SJ 526

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 04/29/2015 Senate—Vetoed by Governor; Returned to Senate on Monday, April 20, 2015
- 05/05/2015 Senate—Motion to override veto prevailed; Yea: 34 Nay: 5—SJ 550
- 05/05/2015 House—Motion to override veto prevailed; Yea: 96 Nay: 25—HJ 703
- S 118** Bill by Natural Resources  
**Amending the powers and duties of the Kansas department of agriculture division of conservation and the state conservation commission.**  
 01/29/2015 Senate—Introduced—SJ 49  
 01/30/2015 Senate—Referred to Committee on Natural Resources—SJ 51  
 02/02/2015 Senate—Hearing: Thursday, February 05, 2015, 8:30 AM Room 159-S
- S 119** Bill by Natural Resources  
**Excepting certain persons from the chemigation permit requirements.**  
 01/29/2015 Senate—Introduced—SJ 49  
 01/30/2015 Senate—Referred to Committee on Agriculture—SJ 51
- S 120** Bill by Natural Resources  
**Exception to the limitations of wildlife, parks and tourism authority to purchase land.**  
 01/29/2015 Senate—Introduced—SJ 49  
 01/30/2015 Senate—Referred to Committee on Natural Resources—SJ 51  
 02/06/2015 Senate—Hearing: Wednesday, February 11, 2015, 8:30 AM Room 159-S  
 02/19/2015 Senate—Committee Report recommending bill be passed by Committee on Natural Resources—SJ 137  
 02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 183  
 02/26/2015 Senate—Final Action - Passed as amended; Yea: 32 Nay: 7—SJ 192  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Agriculture and Natural Resources—HJ 328  
 03/09/2015 House—Hearing: Thursday, March 12, 2015, 3:30 PM Room 346S  
 03/17/2015 House—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—HJ 379  
 03/24/2015 House—Committee of the Whole - Be passed—HJ 513  
 03/25/2015 House—Final Action - Passed; Yea: 98 Nay: 27—HJ 528  
 03/31/2015 Senate—Enrolled and presented to Governor on Tuesday, March 31, 2015—SJ 440
- 04/29/2015 Senate—Approved by Governor on Monday, April 6, 2015
- S 121** Bill by Public Health and Welfare  
**Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight; members and meetings.**  
 01/30/2015 Senate—Introduced—SJ 51  
 02/02/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 54  
 02/13/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 112  
 02/25/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 183  
 02/26/2015 Senate—Final Action - Passed as amended; Yea: 30 Nay: 10—SJ 192  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Health and Human Services—HJ 328  
 03/13/2015 House—Hearing: Monday, March 16, 2015, 1:30 PM Room 546S

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- S 122** Bill by Public Health and Welfare  
**Hospital facility fees.**  
 01/30/2015 Senate—Introduced—SJ 51  
 02/02/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 54  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 1:30 PM Room 118-N
- S 123** Bill by Public Health and Welfare  
**Medications used to treat mental illness under the state medicaid program.**  
 01/30/2015 Senate—Introduced—SJ 51  
 02/02/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 54  
 02/06/2015 Senate—Hearing: Wednesday, February 11, 2015, 1:30 PM Room 118-N  
 02/18/2015 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 127  
 02/24/2015 Senate—Committee of the Whole - Be passed—SJ 158  
 02/25/2015 Senate—Final Action - Not passed; Yea: 15 Nay: 25—SJ 178
- S 124** Bill by Natural Resources  
**Kansas department of health and environment requirements for radioactive waste, solid waste disposal and landspreading.**  
 02/02/2015 Senate—Introduced—SJ 53  
 02/03/2015 Senate—Referred to Committee on Natural Resources—SJ 57  
 02/06/2015 Senate—Hearing: Wednesday, February 11, 2015, 8:30 AM Room 159-S  
 02/19/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 138  
 02/25/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 184  
 02/26/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 193  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Agriculture and Natural Resources—HJ 328  
 03/09/2015 House—Hearing: Wednesday, March 11, 2015, 3:30 PM Room 346S  
 03/18/2015 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 410  
 03/23/2015 House—Committee of the Whole - Be passed as amended—HJ 487  
 03/24/2015 House—Final Action - Passed as amended; Yea: 100 Nay: 25—HJ 503  
 03/25/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Powell, Senator Kerschen and Senator Francisco as conferees—SJ 380  
 03/25/2015 House—Motion to accede adopted; Representative Schwartz, Representative Boldra and Representative Victors appointed as conferees—HJ 560  
 04/02/2015 Senate—Concurred with amendments in conference; Yea: 39 Nay: 1—SJ 512  
 04/29/2015 Senate—Enrolled and presented to Governor on Friday, April 10, 2015—SJ 526  
 04/29/2015 Senate—Approved by Governor on Thursday, April 16, 2015
- S 125** Bill by Natural Resources  
**Allowing NORM and TENORM to be eligible for disposal in Kansas landfills.**  
 02/02/2015 Senate—Introduced—SJ 53  
 02/03/2015 Senate—Referred to Committee on Natural Resources—SJ 57

- 02/06/2015 Senate—Hearing: Thursday, February 12, 2015, 8:30 AM Room 159-S  
 02/19/2015 Senate—Committee Report recommending bill be passed by Committee on Natural Resources—SJ 137  
 02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 183  
 02/26/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 193  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Agriculture and Natural Resources—HJ 328  
 03/09/2015 House—Hearing: Wednesday, March 11, 2015, 3:30 PM Room 346S
- S 126** Bill by Transportation  
**Commercial driver's license test, fee.**  
 02/02/2015 Senate—Introduced—SJ 53  
 02/03/2015 Senate—Referred to Committee on Transportation—SJ 57  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 8:30 AM Room 546-S  
 02/24/2015 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 167  
 02/26/2015 Senate—Committee of the Whole - Be passed—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed; Yea: 35 Nay: 5—SJ 214  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Transportation—HJ 328  
 03/09/2015 House—Hearing: Wednesday, March 11, 2015, 1:30 PM Room 582N  
 03/18/2015 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 421  
 03/25/2015 House—Stricken from Calendar by Rule 1507—HJ 566
- S 127** Bill by Transportation  
**Requiring payment prior to installation of commemorative road naming signs; designating 2nd Lieutenant Justin L Sisson memorial highway, George Ablah expressway, Kenneth W. Bernard memorial highway, Clay county Vietnam veterans bridge and Bert Cantwell memorial interchange.**  
 02/02/2015 Senate—Introduced—SJ 53  
 02/03/2015 Senate—Referred to Committee on Transportation—SJ 57  
 02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 8:30 AM Room 546-S  
 02/23/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 153  
 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 214  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Transportation—HJ 328  
 03/09/2015 House—Hearing: Thursday, March 12, 2015, 1:30 PM Room 582N  
 03/13/2015 House—Hearing: Monday, March 16, 2015, 1:30 PM Room 582N  
 03/20/2015 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 481  
 03/23/2015 House—Committee of the Whole - Be passed as amended—HJ 487  
 03/24/2015 House—Final Action - Passed as amended; Yea: 124 Nay: 1—HJ 503  
 03/25/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Wolf and Senator Pettey as conferees—SJ 380

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 03/25/2015 House—Motion to accede adopted; Representative Proehl, Representative Ryckman Sr. and Representative Lusker appointed as conferees—HJ 560
- 04/01/2015 House—Conference Committee Report was adopted; Yea: 119 Nay: 1—HJ 576
- 04/02/2015 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 461
- 04/29/2015 Senate—Enrolled and presented to Governor on Friday, April 10, 2015—SJ 526
- 04/29/2015 Senate—Approved by Governor on Thursday, April 16, 2015
- S 128** Bill by Corrections and Juvenile Justice  
**Creating an exception to the Kansas open records act for municipal judges, city attorneys and certain special assistant attorneys.**
- 02/02/2015 Senate—Introduced—SJ 53
- 02/03/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 57
- 02/06/2015 Senate—Hearing: Thursday, February 12, 2015, 9:30 AM Room 118-N
- 02/19/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 137
- 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195
- 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 214
- 03/04/2015 House—Received and Introduced—HJ 325
- 03/05/2015 House—Referred to Committee on Judiciary—HJ 328
- 03/13/2015 House—Hearing: Monday, March 16, 2015, 3:30 PM Room 112N
- S 129** Bill by Corrections and Juvenile Justice  
**Reports of abuse or neglect concerning children and certain adults.**
- 02/02/2015 Senate—Introduced—SJ 53
- 02/03/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 57
- S 130** Bill by Financial Institutions and Insurance  
**Establishing a new type of installment loan.**
- 02/02/2015 Senate—Introduced—SJ 54
- 02/03/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 57
- S 131** Bill by Federal and State Affairs  
**Substitute for SB 131 by Committee on Corrections and Juvenile Justice – Relating to peer support counseling sessions; confidentiality of communications.**
- 02/02/2015 Senate—Introduced—SJ 54
- 02/03/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 57
- 02/26/2015 Senate—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—SJ 194
- 03/10/2015 Senate—Committee of the Whole - Substitute bill be passed—SJ 238
- 03/11/2015 Senate—Final Action - Substitute passed; Yea: 40 Nay: 0—SJ 244
- 03/12/2015 House—Received and Introduced—HJ 347
- 03/13/2015 House—Referred to Committee on Corrections and Juvenile Justice—HJ 363
- 03/13/2015 House—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 152S

- 03/20/2015 House—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—HJ 481
- S 132** Bill by Federal and State Affairs  
**Amending statutes concerning dangerous regulated animals.**  
 02/02/2015 Senate—Introduced—SJ 54  
 02/03/2015 Senate—Referred to Committee on Natural Resources—SJ 57
- S 133** Bill by Judiciary  
**Possession or consumption of alcoholic beverage by minor; immunity from criminal prosecution for minor seeking medical assistance.**  
 02/02/2015 Senate—Introduced—SJ 54  
 02/03/2015 Senate—Referred to Committee on Judiciary—SJ 57  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 10:30 AM Room 346-S  
 02/23/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 152  
 02/26/2015 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 221  
 03/05/2015 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 229  
 03/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 386  
 03/25/2015 Senate—Emergency Final Action - Passed as amended; Yea: 34 Nay: 5—SJ 406  
 03/30/2015 House—Received and Introduced—HJ 565  
 03/31/2015 House—Referred to Committee on Judiciary—HJ 568
- S 134** Bill by Agriculture  
**Amendments to the Kansas noxious weed law.**  
 02/02/2015 Senate—Introduced—SJ 54  
 02/03/2015 Senate—Referred to Committee on Agriculture—SJ 57
- S 135** 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 8:30 AM Room 159-S  
 Bill by Senator Love  
**Option to exempt aviation fuel from city sales tax.**  
 02/02/2015 Senate—Introduced—SJ 54  
 02/03/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 57
- S 136** Bill by Education  
**Amending the professional negotiations act.**  
 02/03/2015 Senate—Introduced—SJ 56  
 02/04/2015 Senate—Referred to Committee on Education—SJ 60  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 1:30 PM Room 144-S  
 02/25/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 179  
 02/26/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 207  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 215  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Education—HJ 328
- S 137** Bill by Education  
**Education; amendments to the school district finance and quality performance act; the virtual school act; the student data privacy act; and the tax credit for low income student scholarship program act.**

- 02/03/2015 Senate—Introduced—SJ 56  
 02/04/2015 Senate—Referred to Committee on Ways and Means—SJ 60  
**S 138** Bill by Ways and Means  
**Prohibiting the secretary of health and environment from adopting rules and regulations relating to confined feeding facilities that are more restrictive than federal law.**  
 02/03/2015 Senate—Introduced—SJ 56  
 02/04/2015 Senate—Referred to Committee on Natural Resources—SJ 60  
**S 139** Bill by Transportation  
**Mayor Ken Bernard memorial highway.**  
 02/03/2015 Senate—Introduced—SJ 56  
 02/04/2015 Senate—Referred to Committee on Transportation—SJ 60  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 8:30 AM Room 546-S  
**S 140** Bill by Judiciary  
**Relating to the forfeiture of appearance bonds.**  
 02/03/2015 Senate—Introduced—SJ 56  
 02/04/2015 Senate—Referred to Committee on Judiciary—SJ 60  
 02/13/2015 Senate—Hearing: Monday, February 16, 2015, 10:30 AM Room 346-S  
 02/23/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 153  
**S 141** Bill by Public Health and Welfare  
**Podiatrists; supervising a physician assistant and advanced practice registered nurse.**  
 02/03/2015 Senate—Introduced—SJ 56  
 02/04/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 60  
 02/13/2015 Senate—Hearing: Monday, February 16, 2015, 1:30 PM Room 118-N  
 02/26/2015 Senate—Withdrawn from Committee on Public Health and Welfare;  
 Referred to Committee on Federal and State Affairs—SJ 221  
 03/05/2015 Senate—Withdrawn from Committee on Federal and State Affairs;  
 Rereferred to Committee on Public Health and Welfare—SJ 228  
**S 142** Bill by Public Health and Welfare  
**Kansas department for aging and disability services; programs for all-inclusive care for the elderly.**  
 02/03/2015 Senate—Introduced—SJ 57  
 02/04/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 60  
 02/13/2015 Senate—Hearing: Monday, February 16, 2015, 1:30 PM Room 118-N  
 02/24/2015 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 164  
 02/26/2015 Senate—Committee of the Whole - Be passed—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 215  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Health and Human Services—HJ 328  
 03/05/2015 House—Hearing: Wednesday, March 04, 2015, 1:30 PM Room 546S  
 03/05/2015 House—Hearing: Tuesday, March 10, 2015, 1:30 PM Room 546S  
 03/19/2015 House—Committee Report recommending bill be passed by Committee on Health and Human Services—HJ 465  
 03/25/2015 House—Stricken from Calendar by Rule 1507—HJ 566

- S 143** Bill by Financial Institutions and Insurance  
**Allowing the assignment of dental insurance benefits.**  
 02/04/2015 Senate—Introduced—SJ 59  
 02/05/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 78
- S 144** Bill by Financial Institutions and Insurance  
**Affidavit requirement of surplus lines broken changed to signed statement.**  
 02/04/2015 Senate—Introduced—SJ 60  
 02/05/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 78  
 02/09/2015 Senate—Hearing: Tuesday, February 10, 2015, 9:30 AM Room 546-S
- S 145** Bill by Financial Institutions and Insurance  
**Nonadmitted insurers authorized to write excess coverage on Kansas risks.**  
 02/04/2015 Senate—Introduced—SJ 60  
 02/05/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 78  
 02/09/2015 Senate—Hearing: Tuesday, February 10, 2015, 9:30 AM Room 546-S
- S 146** Bill by Judiciary  
**Racial profiling data collection and reporting requirements.**  
 02/04/2015 Senate—Introduced—SJ 60  
 02/05/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 78
- S 147** Bill by Judiciary  
**Creating the community defense act; regulation of sexually oriented businesses.**  
 02/04/2015 Senate—Introduced—SJ 60  
 02/05/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 78  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 9:30 AM Room 118-N
- S 148** Bill by Judiciary  
**The safe families act.**  
 02/04/2015 Senate—Introduced—SJ 60  
 02/05/2015 Senate—Referred to Committee on Judiciary—SJ 78  
 02/09/2015 Senate—Hearing: Thursday, February 12, 2015, 10:30 AM Room 346-S  
 02/19/2015 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 137  
 03/11/2015 Senate—Stricken from the Calendar.—SJ 247
- S 149** Bill by Judiciary  
**Civil commitment of sexually violent predators.**  
 02/04/2015 Senate—Introduced—SJ 60  
 02/05/2015 Senate—Referred to Committee on Judiciary—SJ 78  
 02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 10:30 AM Room 346-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 163  
 02/26/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 194  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 215  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Judiciary—HJ 328

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 03/13/2015 House—Hearing: Tuesday, March 17, 2015, 3:30 PM Room 112N  
 03/23/2015 House—Committee Report recommending bill be passed as amended  
 by Committee on Judiciary—HJ 487  
 03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation  
 —HJ 560
- S 150** Bill by Transportation  
**Allowing corporate officers to appear before the corporation commission for certain fines.**  
 02/04/2015 Senate—Introduced—SJ 60  
 02/05/2015 Senate—Referred to Committee on Transportation—SJ 78  
 02/13/2015 Senate—Hearing: Thursday, February 19, 2015, 8:30 AM Room 546-S  
 02/23/2015 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Transportation—SJ 154  
 02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 180  
 02/26/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 193  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Transportation—HJ 328  
 03/09/2015 House—Hearing: Thursday, March 12, 2015, 1:30 PM Room 582N  
 03/13/2015 House—Hearing: Monday, March 16, 2015, 1:30 PM Room 582N  
 03/20/2015 House—Committee Report recommending bill be passed by Committee  
 on Transportation—HJ 481  
 03/23/2015 House—Committee of the Whole - Be passed—HJ 486  
 03/24/2015 House—Final Action - Passed; Yea: 125 Nay: 0—HJ 504  
 03/30/2015 Senate—Enrolled and presented to Governor on Monday, March 30,  
 2015—SJ 416  
 04/01/2015 Senate—Approved by Governor on Wednesday, April 1, 2015—SJ 452
- S 151** Bill by Utilities  
**Electric utilities and carbon dioxide emissions.**  
 02/04/2015 Senate—Introduced—SJ 60  
 02/05/2015 Senate—Referred to Committee on Utilities—SJ 78  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 1:30 PM Room 548-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Utilities—SJ 167  
 02/26/2015 Senate—Withdrawn from Calendar; Referred to Committee on Federal  
 and State Affairs—SJ 221  
 03/05/2015 Senate—Withdrawn from Committee on Federal and State Affairs;  
 Rereferred to Committee on Utilities—SJ 228
- S 152** Bill by Federal and State Affairs  
**Alcoholic liquor; dispensing liquor and infusing flavor.**  
 02/04/2015 Senate—Introduced—SJ 60  
 02/05/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 78  
 02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 10:30 AM Room  
 144-S
- S 153** Bill by Federal and State Affairs  
**Exempting public libraries from certain provisions of the personal and family  
 protection act.**  
 02/04/2015 Senate—Introduced—SJ 60  
 02/05/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 78  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 10:30 AM Room 144-S

- S 154** Bill by Commerce  
**Amending unemployment insurance benefits determination; employer classification and contribution rates.**
- 02/05/2015 Senate—Introduced—SJ 77  
 02/06/2015 Senate—Referred to Committee on Commerce—SJ 85  
 02/09/2015 Senate—Hearing: Thursday, February 12, 2015, 8:30 AM Room 548-S  
 02/13/2015 Senate—Hearing: Monday, February 16, 2015, 8:30 AM Room 548-S  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 8:30 AM Room 548-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 159  
 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 35 Nay: 4—SJ 216  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 328  
 03/10/2015 House—Hearing: Friday, March 13, 2015, 1:30 PM Room 346S  
 03/19/2015 House—Committee Report recommending bill be passed as amended by Committee on Commerce, Labor and Economic Development—HJ 430  
 03/23/2015 House—Committee of the Whole - Be passed as amended—HJ 498  
 03/24/2015 House—Final Action - Passed as amended; Yea: 97 Nay: 28—HJ 504  
 03/25/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Lynn, Senator Wagle and Senator Holland as conferees—SJ 405  
 03/30/2015 House—Motion to accede adopted; Representative Hutton, Representative Mason and Representative Frownfelter appointed as conferees—HJ 565  
 04/02/2015 House—Conference Committee Report agree to disagree adopted; Representative Hutton, Representative Mason and Representative Frownfelter appointed as second conferees—HJ 593  
 04/02/2015 Senate—Conference Committee Report agree to disagree adopted; Senator Lynn, Senator Wagle and Senator Holland appointed as second conferees—SJ 458  
 04/02/2015 House—Conference Committee Report was adopted; Yea: 85 Nay: 36—HJ 598  
 04/30/2015 Senate—Substitute motion to not adopt and appoint a conference committee failed Yea: 10 Nay: 29—SJ 530  
 04/30/2015 Senate—Conference Committee Report was adopted; Yea: 29 Nay: 11—SJ 530  
 05/08/2015 Senate—Enrolled and presented to Governor on Friday, May 08, 2015—SJ 595  
 05/20/2015 Senate—Approved by Governor on Monday, May 18, 2015
- S 155** Bill by Financial Institutions and Insurance  
**Substitute for SB 155 by Committee on Financial Institutions and Insurance – Amending certain requirements, definitions and gross tax on premiums of surplus lines insurance; repealing SLIMPACT.**
- 02/05/2015 Senate—Introduced—SJ 77  
 02/06/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 86  
 02/09/2015 Senate—Hearing: Tuesday, February 10, 2015, 9:30 AM Room 546-S

- 02/12/2015 Senate—Committee Report recommending substitute bill be passed by Committee on Financial Institutions and Insurance—SJ 107
- 02/26/2015 Senate—Withdrawn from Calendar; Referred to Committee on Ways and Means—SJ 221
- 03/05/2015 Senate—Withdrawn from Committee on Ways and Means and referred to Committee of the Whole—SJ 229
- 03/18/2015 Senate—Committee of the Whole - Substitute bill be passed—SJ 292
- 03/19/2015 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 295
- 03/23/2015 House—Received and Introduced—HJ 486
- 03/24/2015 House—Referred to Committee on Financial Institutions—HJ 500
- 03/31/2015 House—Withdrawn from Committee on Financial Institutions; Referred to Committee on Insurance—HJ 572

S 156

Bill by Natural Resources

**Department of agriculture; creating water conservation areas; labeling of agricultural liming materials; Arkansas river gaging fund expenditures.**

- 02/05/2015 Senate—Introduced—SJ 77
- 02/06/2015 Senate—Referred to Committee on Natural Resources—SJ 86
- 02/19/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 138
- 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195
- 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 37 Nay: 3—SJ 216
- 03/04/2015 House—Received and Introduced—HJ 325
- 03/05/2015 House—Referred to Committee on Agriculture and Natural Resources—HJ 328
- 03/13/2015 House—Hearing: Monday, March 16, 2015, 3:30 PM Room 346S
- 03/19/2015 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 426
- 03/24/2015 House—Committee of the Whole - Be passed as amended—HJ 513
- 03/25/2015 House—Final Action - Passed as amended; Yea: 125 Nay: 0—HJ 528
- 03/25/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Powell, Senator Kerschen and Senator Francisco as conferees—SJ 405
- 03/30/2015 House—Motion to accede adopted; Representative Schwartz, Representative Boldra and Representative Victors appointed as conferees—HJ 565
- 04/02/2015 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 512
- 04/29/2015 Senate—Enrolled and presented to Governor on Friday, April 10, 2015—SJ 526
- 04/29/2015 Senate—Approved by Governor on Thursday, April 16, 2015

S 157

Bill by Judiciary

**Specifying that the child in need of care code does not permit any person to compel a parent to medicate a child if the parent is acting in accordance with medical advice from a physician.**

- 02/05/2015 Senate—Introduced—SJ 77
- 02/06/2015 Senate—Referred to Committee on Judiciary—SJ 86
- 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 10:30 AM Room 346-S

- 02/24/2015 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 163
- 02/26/2015 Senate—Committee of the Whole - Be passed—SJ 195
- 02/26/2015 Senate—Emergency Final Action - Passed; Yea: 38 Nay: 2—SJ 216
- 03/04/2015 House—Received and Introduced—HJ 325
- 03/05/2015 House—Referred to Committee on Judiciary—HJ 328
- 03/13/2015 House—Hearing: Tuesday, March 17, 2015, 3:30 PM Room 112N
- 03/23/2015 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 487
- 03/25/2015 House—Stricken from Calendar by Rule 1507—HJ 566
- S 158** Bill by Judiciary  
**Establishing a CARE family program for foster care.**  
 02/05/2015 Senate—Introduced—SJ 77  
 02/06/2015 Senate—Referred to Committee on Judiciary—SJ 86  
 02/09/2015 Senate—Hearing: Thursday, February 12, 2015, 10:30 AM Room 346-S  
 Bill by Judiciary  
**Enacting the safe families act; power of attorney for care and custody of a child; also requiring a law enforcement officer to take a child into custody when there is a drug crime occurring in the child's residence and such crime threatens the safety of the child.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Judiciary—SJ 86  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 10:30 AM Room 346-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 163  
 02/26/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 210  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 30 Nay: 4—SJ 216  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Judiciary—HJ 328  
 03/13/2015 House—Hearing: Tuesday, March 17, 2015, 3:30 PM Room 112N  
 Bill by Judiciary  
**Requiring action by a court regarding termination of parental rights in a child in need of care case.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Judiciary—SJ 86  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 10:30 AM Room 346-S
- S 161** Bill by Ways and Means  
**Vacation and discretionary policies of the boards of regents relating to university support staff.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Ways and Means—SJ 86  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 10:30 AM Room 548-S  
 02/10/2015 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Ways and Means—SJ 97  
 02/16/2015 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 114  
 03/18/2015 Senate—Committee of the Whole - Be passed—SJ 292  
 03/19/2015 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 295

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 03/20/2015 House—Received and Introduced—HJ 477  
 03/23/2015 House—Referred to Committee on Appropriations—HJ 486  
 03/30/2015 House—Hearing: Tuesday, March 31, 2015, 9:00 AM Room 112-N
- S 162** Bill by Ways and Means  
**Joint revenue estimates, move April 20 date to May 4.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Ways and Means—SJ 86  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 10:30 AM Room 548-S  
 02/10/2015 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 97  
 02/23/2015 Senate—Withdrawn from Calendar, Rereferred to Committee on Ways and Means—SJ 150
- S 163** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey  
**Governmental ethics; two-year restriction on lobbying by former elected and appointed state officials.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Ethics and Elections—SJ 86
- S 164** Bill by Transportation  
**Requiring two employees for train operation.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Transportation—SJ 86  
 02/13/2015 Senate—Hearing: Thursday, February 19, 2015, 8:30 AM Room 546-S
- S 165** Bill by Ethics and Elections  
**Open meetings, statements required regarding a closed or executive meeting; amending K.S.A. 75-4319.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Judiciary—SJ 86
- S 166** Bill by Federal and State Affairs  
**Rule of law restoration act; immigration.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 86
- S 167** Bill by Commerce  
**Workers compensation use of American medical association guides to the evaluation of permanent impairment.**  
 02/06/2015 Senate—Introduced—SJ 85  
 02/09/2015 Senate—Referred to Committee on Commerce—SJ 90  
 02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 8:30 AM Room 548-S
- S 168** Bill by Senate Select Committee on KPERS  
**Issuing \$1 billion of pension obligation bonds to finance a portion of the unfunded actuarial liability of KPERS and establishing decreased employer contribution rates if certain debt service conditions are met.**  
 02/06/2015 Senate—Introduced Senate Select Committee on KPERS—SJ 85  
 02/09/2015 Senate—Referred to Senate Select Committee on KPERS—SJ 90  
 02/09/2015 Senate—Hearing: Tuesday, February 10, 2015, 10:30 AM Room 118-N  
 02/18/2015 Senate—Committee Report recommending bill be passed as amended by Senate Select Committee on KPERS—SJ 127  
 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195

- 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 21 Nay: 17—SJ 216
- 03/04/2015 House—Received and Introduced—HJ 325
- 03/05/2015 House—Referred to Committee on Pensions and Benefits—HJ 328
- S 169** Bill by Agriculture  
**Making the channel cat fish the official fish of the state of Kansas.**  
 02/06/2015 Senate—Introduced—SJ 85  
 02/09/2015 Senate—Referred to Committee on Natural Resources—SJ 90  
 02/17/2015 Senate—Withdrawn from Committee on Natural Resources; Referred to Committee on Agriculture—SJ 123
- S 170** Bill by Utilities  
**Reliable, affordable and safe power act.**  
 02/09/2015 Senate—Introduced—SJ 89  
 02/10/2015 Senate—Referred to Committee on Utilities—SJ 94  
 02/13/2015 Senate—Hearing: Thursday, February 19, 2015, 1:30 PM Room 548-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Utilities—SJ 170  
 02/26/2015 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 221  
 03/05/2015 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 229  
 05/19/2015 Senate—Stricken from the Calendar—SJ 303
- S 171** Bill by Ethics and Elections  
**Substitute for SB 171 by Committee on Ethics and Elections – Municipal and special district elections, nonpartisan, spring to fall; even-numbered years, cities and schools; odd-numbered years, special districts.**  
 02/09/2015 Senate—Introduced—SJ 89  
 02/10/2015 Senate—Referred to Committee on Ethics and Elections—SJ 94  
 02/20/2015 Senate—Committee Report recommending substitute bill be passed by Committee on Ethics and Elections—SJ 143  
 02/26/2015 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 204  
 02/26/2015 Senate—Emergency Final Action - Substitute passed as amended; Yea: 21 Nay: 18—SJ 217  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Elections—HJ 328  
 03/06/2015 House—Hearing: Wednesday, March 11, 2015, 1:00 PM Room 218-N  
 03/19/2015 House—Committee Report recommending bill be passed as amended by Committee on Elections—HJ 459  
 03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation—HJ 560
- S 172** Bill by Public Health and Welfare  
**Enacting the patient right to shop act.**  
 02/09/2015 Senate—Introduced—SJ 90  
 02/10/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 94
- S 173** Bill by Transportation  
**Korean war, operation desert storm, operation Iraqi freedom and operation enduring freedom license plates.**  
 02/10/2015 Senate—Introduced—SJ 92

- 02/11/2015 Senate—Referred to Committee on Transportation—SJ 100  
 02/20/2015 Senate—Hearing: Tuesday, February 24, 2015, 8:30 AM Room 546-S  
**S 174** Bill by Transportation  
**Manufacture and issuance of license plates, fees.**  
 02/10/2015 Senate—Introduced—SJ 92  
 02/11/2015 Senate—Referred to Committee on Transportation—SJ 100  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 8:30 AM Room 546-S  
**S 175** Bill by Ways and Means  
**Exercise of religious freedom by postsecondary education student associations.**  
 02/10/2015 Senate—Introduced—SJ 92  
 02/11/2015 Senate—Referred to Committee on Judiciary—SJ 100  
 03/06/2015 Senate—Hearing: Monday, March 09, 2015, 10:30 AM Room 346-S  
 03/11/2015 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 245  
 03/19/2015 Senate—Committee of the Whole - Be passed—SJ 297  
 03/19/2015 Senate—Emergency Final Action - Passed; Yea: 30 Nay: 8—SJ 302  
 03/23/2015 House—Received and Introduced—HJ 486  
 03/24/2015 House—Referred to Committee on Federal and State Affairs—HJ 500  
 03/25/2015 House—Hearing: Monday, March 30, 2015, 9:00 AM Room 346-S  
 04/02/2015 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 595  
**S 176** Bill by Ways and Means  
**Limiting negotiations under the professional negotiations act.**  
 02/10/2015 Senate—Introduced—SJ 92  
 02/11/2015 Senate—Referred to Committee on Education—SJ 100  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 1:30 PM Room 144-S  
**S 177** Bill by Senator Hensley  
**Voter ID; voter registration; denial for lack of proof of citizenship.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Ethics and Elections—SJ 100  
**S 178** Bill by Ways and Means  
**Valuation of agricultural land.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 100  
**S 179** Bill by Ways and Means  
**Limiting negotiations under the public employer-employee relations act.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Commerce—SJ 100  
 03/06/2015 Senate—Hearing: Wednesday, March 11, 2015, 8:30 AM Room 548-S  
**S 180** Bill by Public Health and Welfare  
**Health maintenance organizations and medicare provider organizations; privilege fees.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 100  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 1:30 PM Room 118-N  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 164  
 02/26/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 210

- 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 2—SJ 218
- 03/04/2015 House—Received and Introduced—HJ 325
- 03/05/2015 House—Referred to Committee on Health and Human Services—HJ 328
- 03/05/2015 House—Hearing: Wednesday, March 04, 2015, 1:30 PM Room 546S
- 03/05/2015 House—Hearing: Tuesday, March 10, 2015, 1:30 PM Room 546S
- S 181** Bill by Public Health and Welfare  
**Medicaid; restrictions of prescription-only drugs.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 100  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 1:30 PM Room 118-N  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 164  
 02/26/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 210  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 218  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Health and Human Services—HJ 328  
 03/13/2015 House—Hearing: Monday, March 16, 2015, 1:30 PM Room 546S
- S 182** Bill by Public Health and Welfare  
**Substitute for SB 182 by Committee on Public Health and Welfare - department of health and environment; inspector general.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 100  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 1:30 PM Room 118-N  
 02/19/2015 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 138
- S 183** Bill by Judiciary  
**Collection of debts owed to courts or restitution owed under an order of restitution, use of collection services; judgments for court costs, fees, fines and restitution never become dormant.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Judiciary—SJ 100  
 02/13/2015 Senate—Hearing: Monday, February 16, 2015, 10:30 AM Room 346-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 163  
 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 2—SJ 218  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Judiciary—HJ 328  
 03/13/2015 House—Hearing: Monday, March 16, 2015, 3:30 PM Room 112N  
 03/23/2015 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 487  
 03/25/2015 House—Stricken from Calendar by Rule 1507—HJ 566

- S 184** Bill by Judiciary  
**House Substitute for SB 184 by Committee on Judiciary - Requiring certain individuals to enter into a payment plan in order to receive restricted driving privileges when driver's license has expired while on suspension.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Judiciary—SJ 100  
 02/13/2015 Senate—Hearing: Monday, February 16, 2015, 10:30 AM Room 346-S  
 02/19/2015 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 137  
 02/25/2015 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 172  
 02/26/2015 House—Received and Introduced—HJ 307  
 03/04/2015 House—Referred to Committee on Judiciary—HJ 324  
 03/13/2015 House—Hearing: Tuesday, March 17, 2015, 3:30 PM Room 112N  
 03/19/2015 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 469  
 03/20/2015 House—Withdrawn from Calendar, Rereferred to Committee on Judiciary—HJ 477  
 03/23/2015 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 489  
 03/25/2015 House—Stricken from Calendar by Rule 1507—HJ 566
- S 185** Bill by Judiciary  
**Sexually violent predators; reimbursement for costs incurred by counties.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Judiciary—SJ 100  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 10:30 AM Room 346-S
- S 186** Bill by Assessment and Taxation  
**Regulation of transportation network company services.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 100
- S 187** Bill by Assessment and Taxation  
**Extending the student loan payment program and income tax credit for rural opportunity zones for six years.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 100  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 9:30 AM Room 548-S
- S 188** Bill by Assessment and Taxation  
**Publication requirements under the Kansas uniform financial accounting and reporting act.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Education—SJ 100  
 02/23/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 152  
 02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 180  
 02/26/2015 Senate—Final Action - Passed as amended; Yea: 27 Nay: 13—SJ 193  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Education—HJ 328

03/20/2015 House—Hearing: Monday, March 23, 2015, 1:30 PM Room 112-N  
 03/24/2015 House—Committee Report recommending bill be passed as amended  
 by Committee on Education—HJ 507

S 189

Bill by Agriculture

**Animal care; institutional license to practice veterinary medicine; veterinary training program for rural Kansas; Kansas pet animal act, euthanasia regulations.**

02/10/2015 Senate—Introduced—SJ 93

02/11/2015 Senate—Referred to Committee on Agriculture—SJ 100

02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 8:30 AM Room 159-S

02/24/2015 Senate—Committee Report recommending bill be passed by Committee on Agriculture—SJ 159

02/26/2015 Senate—Committee of the Whole - Be passed—SJ 195

02/26/2015 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 218

03/04/2015 House—Received and Introduced—HJ 325

03/05/2015 House—Referred to Committee on Agriculture and Natural Resources—HJ 328

03/06/2015 House—Hearing: Tuesday, March 10, 2015, 3:30 PM Room 346-S

03/12/2015 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 355

03/24/2015 House—Committee of the Whole - Be passed as amended—HJ 514

03/25/2015 House—Final Action - Passed as amended; Yea: 112 Nay: 13—HJ 529

03/25/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Love, Senator Kerschen and Senator Francisco as conferees—SJ 405

03/30/2015 House—Motion to accede adopted; Representative Schwartz, Representative Boldra and Representative Victors appointed as conferees—HJ 565

04/29/2015 House—Conference Committee Report was adopted; Yea: 105 Nay: 14—HJ 612

05/07/2015 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 1—SJ 574

05/15/2015 Senate—Enrolled and presented to Governor on Friday, May 15, 2015—SJ 720

05/20/2015 Senate—Approved by Governor on Tuesday, May 19, 2015

S 190

Bill by Commerce

**Allowing persons to operate sailboat after completing instruction led class.**

02/10/2015 Senate—Introduced—SJ 93

02/11/2015 Senate—Referred to Committee on Transportation—SJ 100

02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 8:30 AM Room 546-S

02/23/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 154

02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195

02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 219

03/04/2015 House—Received and Introduced—HJ 325

03/05/2015 House—Referred to Committee on Transportation—HJ 328

03/13/2015 House—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 582N

- 03/20/2015 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 481
- 03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation—HJ 560
- S 191** Bill by Judiciary  
**Increasing the penalty for criminal discharge of a firearm.**  
 02/10/2015 Senate—Introduced—SJ 94  
 02/11/2015 Senate—Referred to Committee on Judiciary—SJ 100  
 02/16/2015 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Corrections and Juvenile Justice—SJ 114
- S 192** Bill by Federal and State Affairs  
**Kansas expanded lottery act; racetrack gaming changes.**  
 02/10/2015 Senate—Introduced—SJ 94  
 02/11/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 100  
 02/26/2015 Senate—Hearing: Thursday, March 05, 2015, 10:30 AM Room 144-S
- S 193** Bill by Ways and Means  
**Requiring a degree prospectus for postsecondary degree programs.**  
 02/11/2015 Senate—Introduced—SJ 98  
 02/12/2015 Senate—Referred to Committee on Ways and Means—SJ 104  
 02/20/2015 Senate—Hearing: Tuesday, February 24, 2015, 10:30 AM Room 548-S  
 03/11/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 245  
 03/19/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 303  
 03/19/2015 Senate—Emergency Final Action - Passed as amended; Yea: 27 Nay: 11—SJ 303  
 03/23/2015 House—Received and Introduced—HJ 486  
 03/24/2015 House—Referred to Committee on Appropriations—HJ 500  
 03/30/2015 House—Hearing: Tuesday, March 31, 2015, 9:00 AM Room 112-N  
 04/30/2015 House—Withdrawn from Committee on Appropriations; Referred to Committee on Education—HJ 658  
 05/01/2015 House—Hearing: Tuesday, May 05, 2015, 1:30 PM Room 112-N  
 05/05/2015 House—Hearing: Wednesday, May 06, 2015, 12:00 PM Room 112-N
- S 194** Bill by Corrections and Juvenile Justice  
**Creating the Kansas public school security act.**  
 02/11/2015 Senate—Introduced—SJ 98  
 02/12/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 104  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 9:30 AM Room 118-N
- S 195** Bill by Judiciary  
**Child support; reporting of arrearages to consumer credit reporting agencies; distribution of support payments.**  
 02/11/2015 Senate—Introduced—SJ 98  
 02/12/2015 Senate—Referred to Committee on Judiciary—SJ 104  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 10:30 AM Room 346-S
- S 196** Bill by Judiciary  
**Relating to peer support counseling sessions.**  
 02/11/2015 Senate—Introduced—SJ 98  
 02/12/2015 Senate—Referred to Committee on Judiciary—SJ 104

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 02/16/2015 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Corrections and Juvenile Justice—SJ 114
- 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 9:30 AM Room 118-N  
**S 197** Bill by Judiciary  
**Applying the open meetings act to the supreme court nominating commission and judicial district nominating commissions; requiring attorneys to document eligibility to vote in the commission selection process and applying the open records act to such information; requiring certain applicant information to be made available to the public when appointing court of appeals judges.**
- 02/11/2015 Senate—Introduced—SJ 98  
 02/12/2015 Senate—Referred to Committee on Judiciary—SJ 104  
 02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 10:30 AM Room 346-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 164  
 02/26/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 213  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 35 Nay: 4—SJ 219  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Judiciary—HJ 328  
 03/13/2015 House—Hearing: Wednesday, March 18, 2015, 3:30 PM Room 112N  
**S 198** Bill by Judiciary  
**State directory of new hires; contractors.**
- 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Commerce—SJ 104  
 02/13/2015 Senate—Hearing: Thursday, February 19, 2015, 8:30 AM Room 548-S  
**S 199** Bill by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey  
**Income tax credit for expenses paid for household and dependent care services necessary for gainful employment.**
- 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 104  
**S 200** Bill by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey  
**Earned income tax credit increased.**
- 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 104  
**S 201** Bill by Senator Hensley  
**Personal electronic media devices subject to the open records act.**
- 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 104  
**S 202** Bill by Financial Institutions and Insurance  
**Enacting a cap on patient fees for a 30-day supply of any prescription drug for certain health plans.**
- 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 104  
**S 203** Bill by Federal and State Affairs  
**Cigarette and tobacco products acts, amendments; authorizing governor to enter into compacts with native american tribes.**

- 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 104  
 03/04/2015 Senate—Hearing: Thursday, March 05, 2015, 9:30 AM Room 548-S  
 03/12/2015 Senate—Withdrawn from Committee on Assessment and Taxation;  
 Referred to Committee on Judiciary—SJ 249
- S 204** Bill by Federal and State Affairs  
**Protecting the total amount of time for visitation granted to a person under the revised Kansas code for care of children.**  
 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Judiciary—SJ 104  
 03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 10:30 AM Room 346-S
- S 205** Bill by Federal and State Affairs  
**Regional system of cooperating libraries; appointment board members.**  
 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 104
- S 206** Bill by Federal and State Affairs  
**Powers and duties of the insurance commissioner and attorney general relating to the vision care services act.**  
 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Judiciary—SJ 104  
 02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 10:30 AM Room 346-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 164  
 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 219  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Judiciary—HJ 328  
 03/13/2015 House—Hearing: Monday, March 16, 2015, 3:30 PM Room 112N  
 03/23/2015 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 489  
 06/03/2015 House—Withdrawn from Calendar; Referred to Committee on Insurance—HJ 1045  
 06/04/2015 House—Committee Report recommending bill be passed as amended by Committee on Insurance Committee on Insurance—HJ 1610  
 06/05/2015 House—Motion pursuant to House Rule 2311 to advance bill to Final Action subject to amendment, debate and roll call adopted.—HJ 1678  
 06/05/2015 House—Emergency Final Action - Passed as amended; Yea: 108 Nay: 0—HJ 1678  
 06/05/2015 Senate—Concurred with amendments; Yea: 39 Nay: 0—SJ 1072  
 06/09/2015 Senate—Enrolled and presented to Governor on Tuesday, June 09, 2015—SJ 1654  
 06/26/2015 Senate—Approved by Governor on Friday, June 12, 2015—SJ 1745
- S 207** Bill by Federal and State Affairs  
**Prohibiting retaliation or discrimination by an employer against a parent for taking time off to attend certain court proceedings involving children.**  
 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Commerce—SJ 104

- S 208** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey  
**Directing the secretary of administration to study whether public employers engage in wage discrimination on the basis of sex.**  
 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Commerce—SJ 104
- S 209** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey  
**Repealing the prohibition against agencies and municipalities requiring contractors to enter into certain labor agreements for public works construction projects.**  
 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Commerce—SJ 104
- S 210** Bill by Senators Hensley, Faust-Goudeau, Hawk, Holland, Pettey  
**Requiring employment of Kansas workers for certain state contracts and tax incentives.**  
 02/11/2015 Senate—Introduced—SJ 100  
 02/12/2015 Senate—Referred to Committee on Commerce—SJ 104
- S 211** Bill by Federal and State Affairs  
**Technical professions; scope of practice.**  
 02/11/2015 Senate—Introduced—SJ 100  
 02/12/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 104
- S 212** Bill by Assessment and Taxation  
**Strengthening protection of public employee paychecks.**  
 02/12/2015 Senate—Introduced—SJ 103  
 02/13/2015 Senate—Referred to Committee on Commerce—SJ 112  
 03/06/2015 Senate—Hearing: Thursday, March 12, 2015, 8:30 AM Room 548-S
- S 213** Bill by Corrections and Juvenile Justice  
**Amendments to inherently dangerous felony list.**  
 02/12/2015 Senate—Introduced—SJ 103  
 02/13/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 112  
 02/20/2015 Senate—Hearing: Tuesday, February 24, 2015, 9:30 AM Room 118-N
- S 214** Bill by Corrections and Juvenile Justice  
**Creating a civil remedy statute for human trafficking victims; specifying restitution measures for such victims and directing certain restitution to the human trafficking victim assistance fund; changing statutory references to the crimes of human trafficking and commercial sexual exploitation of a child.**  
 02/12/2015 Senate—Introduced—SJ 103  
 02/13/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 112  
 02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 9:30 AM Room 118-N  
 02/19/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 137  
 02/24/2015 Senate—Committee of the Whole - Be passed as amended—SJ 158  
 02/25/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 178  
 02/26/2015 House—Received and Introduced—HJ 307  
 03/04/2015 House—Referred to Committee on Judiciary—HJ 324

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 03/13/2015 House—Hearing: Wednesday, March 18, 2015, 3:30 PM Room 112N  
 03/19/2015 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 469  
 03/25/2015 House—Stricken from Calendar by Rule 1507—HJ 566
- S 215** Bill by Transportation  
**Motor vehicle registration, evidence of renewal.**  
 02/12/2015 Senate—Introduced—SJ 103  
 02/13/2015 Senate—Referred to Committee on Transportation—SJ 112  
 02/20/2015 Senate—Hearing: Tuesday, February 24, 2015, 8:30 AM Room 546-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 167  
 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 219  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Transportation—HJ 328  
 03/13/2015 House—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 582N  
 03/23/2015 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 496  
 03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation—HJ 560
- S 216** Bill by Federal and State Affairs  
**Substitute for SB 216 by Committee on Corrections and Juvenile Justice - Creating the Kansas school security act.**  
 02/12/2015 Senate—Introduced—SJ 103  
 02/13/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 112  
 02/26/2015 Senate—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—SJ 194  
 03/10/2015 Senate—Committee of the Whole - Handwritten Motion to Amend - Offered by Senator Pettey  
 03/10/2015 Senate—Committee of the Whole - Handwritten Motion to Amend - Offered by Senator Pettey  
 03/10/2015 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 238  
 03/11/2015 Senate—Final Action - Substitute passed as amended; Yea: 31 Nay: 9—SJ 244  
 03/12/2015 House—Received and Introduced—HJ 347  
 03/13/2015 House—Referred to Committee on Corrections and Juvenile Justice—HJ 363  
 03/13/2015 House—Hearing: Wednesday, March 18, 2015, 1:30 PM Room 152-S  
 03/18/2015 House—Hearing: Thursday, March 19, 2015, 1:30 PM Room 152-S
- S 217** Bill by Agriculture  
**Allowing farm wineries to sell wine at more than one farmers' market.**  
 02/12/2015 Senate—Introduced—SJ 104  
 02/13/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 112  
 02/20/2015 Senate—Hearing: Tuesday, February 24, 2015, 10:30 AM Room 144-S
- S 218** Bill by Ways and Means  
**Advance practice registered nurse.**  
 02/12/2015 Senate—Introduced—SJ 104

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 02/13/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 112  
02/16/2015 Senate—Hearing: Wednesday, February 18, 2015, 1:30 PM Room 118-N
- S 219** Bill by Judiciary  
**Relating to the reporting of abuse, neglect or exploitation of certain persons.**  
02/12/2015 Senate—Introduced—SJ 104  
02/13/2015 Senate—Referred to Committee on Judiciary—SJ 112  
02/25/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 180
- S 220** Bill by Judiciary  
**Increasing the penalty for battery or aggravated battery against a mental health employee.**  
02/12/2015 Senate—Introduced—SJ 104  
02/13/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 112  
02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 9:30 AM Room 118-N  
02/25/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 179  
05/12/2015 Senate—Stricken from the Calendar—SJ 601
- S 221** Bill by Judiciary  
**Allowing businesses to pass on credit surcharge to consumers.**  
02/12/2015 Senate—Introduced—SJ 104  
02/13/2015 Senate—Referred to Committee on Commerce—SJ 112
- S 222** Bill by Judiciary  
**Creating a hazard; leaving a dangerous weapon in a place accessible to children.**  
02/12/2015 Senate—Introduced—SJ 104  
02/13/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 112  
02/20/2015 Senate—Hearing: Tuesday, February 24, 2015, 9:30 AM Room 118-N
- S 223** Bill by Federal and State Affairs  
**Legislative sessions.**  
02/12/2015 Senate—Introduced—SJ 104  
02/13/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 112  
02/20/2015 Senate—Hearing: Wednesday, February 25, 2015, 10:30 AM Room 144-S
- S 224** Bill by Federal and State Affairs  
**Emergency medical services board authority to impose fines, investigate and issue subpoenas.**  
02/13/2015 Senate—Introduced—SJ 111  
02/16/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 114  
03/06/2015 Senate—Hearing: Thursday, March 12, 2015, 10:30 AM Room 144-S  
03/18/2015 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 270  
03/24/2015 Senate—Committee of the Whole - Be passed—SJ 367  
03/25/2015 Senate—Final Action - Passed; Yea: 31 Nay: 9—SJ 380  
03/25/2015 House—Received and Introduced—HJ 560  
03/30/2015 House—Referred to Committee on Federal and State Affairs—HJ 564

- S 225 Bill by Federal and State Affairs  
**Interstate compact for recognition of emergency personnel licensure.**  
 02/13/2015 Senate—Introduced—SJ 111  
 02/16/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 114
- S 226 Bill by Federal and State Affairs  
**Emergency medical services amendments.**  
 02/13/2015 Senate—Introduced—SJ 111  
 02/16/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 114
- S 227 Bill by Natural Resources  
**Local enhanced management areas; due consideration; corrective control measures.**  
 02/13/2015 Senate—Introduced—SJ 111  
 02/16/2015 Senate—Referred to Committee on Natural Resources—SJ 114  
 02/17/2015 Senate—Hearing: Wednesday, February 18, 2015, 8:30 AM Room 159-S  
 02/19/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 138  
 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 220  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Energy and Environment—HJ 328  
 03/11/2015 House—Withdrawn from Committee on Energy and Environment; Referred to Committee on Agriculture and Natural Resources—HJ 344  
 03/13/2015 House—Hearing: Monday, March 16, 2015, 3:30 PM Room 346S
- S 228 Bill by Senate Select Committee on KPERS  
**Issuing \$1 billion of pension obligation bonds to finance a portion of the unfunded actuarial liability of KPERS and establishing decreased employer contribution rates if certain debt service conditions are met.**  
 02/13/2015 Senate—Introduced—SJ 111  
 02/16/2015 Senate—Referred to Senate Select Committee on KPERS—SJ 114  
 02/24/2015 Senate—Committee Report recommending bill be passed by Senate Select Committee on KPERS—SJ 167  
 02/26/2015 Senate—Committee of the Whole - Be passed—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 220  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Pensions and Benefits—HJ 328  
 03/05/2015 House—Hearing: Monday, March 09, 2015, 9:00 AM Room 152S  
 03/17/2015 House—Committee Report recommending bill be passed as amended by Committee on Pensions and Benefits—HJ 393  
 03/19/2015 House—Committee of the Whole - Be passed as amended—HJ 426  
 03/20/2015 House—Final Action - Passed as amended; Yea: 115 Nay: 0—HJ 480  
 03/23/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Longbine and Senator Hensley as conferees—SJ 320  
 03/24/2015 House—Motion to accede adopted; Representative Johnson, Representative Thompson and Representative Trimmer appointed as conferees—HJ 501

- 03/31/2015 House—Conference Committee Report agree to disagree adopted; Representative Johnson, Representative Thompson and Representative Trimmer appointed as second conferees—HJ 572
- 03/31/2015 Senate—Conference Committee Report agree to disagree adopted; Senator King, Senator Longbine and Senator Hensley appointed as second conferees—SJ 418
- 04/01/2015 House—Conference Committee Report was adopted; Yea: 63 Nay: 57—HJ 584
- 04/02/2015 Senate—Conference Committee Report was adopted; Yea: 23 Nay: 16—SJ 461
- 04/29/2015 Senate—Enrolled and presented to Governor on Friday, April 10, 2015—SJ 526
- 04/29/2015 Senate—Approved by Governor on Thursday, April 16, 2015
- S 229** Bill by Judiciary  
**Prohibiting certain advertising by an attorney who is not regularly admitted to practice law in Kansas.**  
 02/13/2015 Senate—Introduced—SJ 112  
 02/16/2015 Senate—Referred to Committee on Judiciary—SJ 114  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 10:30 AM Room 346-S  
**S 230** Bill by Judiciary  
**Increasing the fines for permitting driving in violation of certain restrictions.**  
 02/13/2015 Senate—Introduced—SJ 112  
 02/16/2015 Senate—Referred to Committee on Judiciary—SJ 114  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 10:30 AM Room 346-S  
**S 231** Bill by Federal and State Affairs  
**Policing cooperation; Wichita and Wichita state university.**  
 02/16/2015 Senate—Introduced—SJ 113  
 02/17/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 122  
**S 232** Bill by Federal and State Affairs  
**Lien filings against public officials; prohibitions; notice; criminal penalties.**  
 02/16/2015 Senate—Introduced—SJ 113  
 02/17/2015 Senate—Referred to Committee on Judiciary—SJ 122  
 03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 10:30 AM Room 346-S  
 03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 10:30 AM Room 346-S  
 03/19/2015 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 312  
**S 233** Bill by Assessment and Taxation  
**Increasing rates of taxation on cigarettes, tobacco products and alcoholic beverages.**  
 02/16/2015 Senate—Introduced—SJ 113  
 02/17/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 122  
 03/20/2015 Senate—Hearing: Monday, March 23, 2015, 1:00 PM Room 548-S  
**S 234** Bill by Assessment and Taxation  
**Providing a tax amnesty from the payment of all penalties and interest with respect to unpaid taxes or taxes due and owing; relating to privilege, income, sales, excise and certain other taxes.**  
 02/16/2015 Senate—Introduced—SJ 113  
 02/17/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 122

- 03/20/2015 Senate—Hearing: Tuesday, March 24, 2015, 1:00 PM Room 548-S  
05/08/2015 Senate—Committee Report recommending bill be passed as amended  
by Committee on Assessment and Taxation—SJ 594
- S 235** Bill by Ways and Means  
**Capital improvement projects for various state agencies.**  
02/16/2015 Senate—Introduced—SJ 113  
02/17/2015 Senate—Referred to Committee on Ways and Means—SJ 122  
03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 10:30 AM Room 548-S
- S 236** Bill by Ways and Means  
**Making appropriations for FY 16 and FY 17 for the judicial branch.**  
02/16/2015 Senate—Introduced—SJ 114  
02/17/2015 Senate—Referred to Committee on Ways and Means—SJ 122  
03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 10:30 AM Room 548-S
- S 237** Bill by Ways and Means  
**Appropriations for FY 2015, FY 2016, FY 2017, FY 2018 and FY 2019 for various state agencies.**  
02/16/2015 Senate—Introduced—SJ 114  
02/17/2015 Senate—Referred to Committee on Ways and Means—SJ 122  
03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 10:30 AM Room 548-S
- S 238** Bill by Assessment and Taxation  
**Homestead property tax eligibility for armed forces service-connected disability.**  
02/16/2015 Senate—Introduced—SJ 114  
02/17/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 122  
02/17/2015 Senate—Hearing: Thursday, February 19, 2015, 9:30 AM Room 548-S
- S 239** Bill by Federal and State Affairs  
**Presidential preference primary requirement repealed; recognized political parties required to select presidential nominee.**  
02/17/2015 Senate—Introduced—SJ 121  
02/18/2015 Senate—Referred to Committee on Ethics and Elections—SJ 125  
02/20/2015 Senate—Hearing: Wednesday, February 25, 2015, 9:30 AM Room 142-S  
03/18/2015 Senate—Committee Report recommending bill be passed by Committee on Ethics and Elections—SJ 270  
03/24/2015 Senate—Committee of the Whole - Be passed as amended—SJ 370  
03/25/2015 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 381  
03/25/2015 House—Received and Introduced—HJ 560  
03/30/2015 House—Referred to Committee on Elections—HJ 564
- S 240** Bill by Federal and State Affairs  
**State banking code and the state banking commissioner.**  
02/17/2015 Senate—Introduced—SJ 121  
02/18/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 125  
02/18/2015 Senate—Hearing: Thursday, February 19, 2015, 9:30 AM Room 546-S  
02/20/2015 Senate—Hearing: Monday, February 23, 2015, 9:30 AM Room 546-S  
02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 162  
02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195  
02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 220

- 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Financial Institutions—HJ 328  
 03/10/2015 House—Hearing: Thursday, March 12, 2015, 3:30 PM Room 152S  
 03/24/2015 House—Committee Report recommending bill be passed as amended by Committee on Financial Institutions—HJ 507  
 03/25/2015 House—Committee of the Whole - Be passed as amended—HJ 547  
 03/25/2015 House—Emergency Final Action - Passed as amended; Yea: 123 Nay: 1—HJ 556  
 03/30/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Bowers, Senator Hawk and Senator Longbine as conferees—SJ 414  
 03/30/2015 House—Motion to accede adopted; Representative DeGraaf, Representative Kelly and Representative Frownfelter appointed as conferees—HJ 566  
 04/02/2015 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 513  
 04/29/2015 Senate—Enrolled and presented to Governor on Friday, April 10, 2015—SJ 526  
 04/29/2015 Senate—Approved by Governor on Thursday, April 16, 2015
- S 241** Bill by Ways and Means  
**Amending the procedure for the approval of state contracts.**  
 02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Ways and Means—SJ 126  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 10:30 AM Room 548-S  
 03/23/2015 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 325  
 05/05/2015 Senate—Committee of the Whole - Be passed—SJ 551  
 05/05/2015 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 559  
 05/06/2015 House—Received and Introduced—HJ 707  
 05/07/2015 House—Referred to Committee on Appropriations—HJ 720
- S 242** Bill by Ways and Means  
**Adding employees of the Kansas commission on veterans affairs office to the list of safety sensitive positions for preemployment drug screening.**  
 02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 125
- S 243** Bill by Ways and Means  
**State civil service board; transferred from the department of administration to the office of administrative hearings.**  
 02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 125
- S 244** Bill by Ways and Means  
**Municipal budgets; notifications.**  
 02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Local Government—SJ 125  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 9:30 AM Room 159-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Local Government—SJ 164  
 03/05/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 230  
 03/09/2015 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 233

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 03/10/2015 House—Received and Introduced—HJ 338  
 03/11/2015 House—Referred to Committee on Local Government—HJ 339  
 03/11/2015 House—Withdrawn from Committee on Local Government; Referred to Committee on Commerce, Labor and Economic Development—HJ 344  
 03/18/2015 House—Withdrawn from Committee on Commerce, Labor and Economic Development; Rereferred to Committee on Local Government—HJ 396  
 03/18/2015 House—Hearing: Thursday, March 19, 2015, 1:30 PM Room 281-N
- S 245** Bill by Ways and Means  
**Repealer; certain bridge inspections.**  
 02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Transportation—SJ 125  
 03/09/2015 Senate—Hearing: Thursday, March 12, 2015, 8:30 AM Room 546-S  
 03/18/2015 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 292  
 03/24/2015 Senate—Committee of the Whole - Be passed—SJ 367  
 03/25/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 381  
 03/25/2015 House—Received and Introduced—HJ 560  
 03/30/2015 House—Referred to Committee on Transportation—HJ 564
- S 246** Bill by Ways and Means  
**Exempting certain state leases from energy audit requirements.**  
 02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Utilities—SJ 126  
 03/06/2015 Senate—Hearing: Monday, March 09, 2015, 1:30 PM Room 548-S  
 03/13/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Utilities—SJ 255  
 03/18/2015 Senate—Committee of the Whole - Be passed as amended—SJ 292  
 03/19/2015 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 296  
 03/23/2015 House—Received and Introduced—HJ 486  
 03/24/2015 House—Referred to Committee on Energy and Environment—HJ 500
- S 247** Bill by Ways and Means  
**Municipal audits.**  
 02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Local Government—SJ 125  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 9:30 AM Room 159-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Local Government—SJ 164  
 03/05/2015 Senate—Committee of the Whole - Be passed as amended—SJ 230  
 03/09/2015 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 233  
 03/10/2015 House—Received and Introduced—HJ 338  
 03/11/2015 House—Referred to Committee on Local Government—HJ 339  
 03/13/2015 House—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 281N  
 03/23/2015 House—Committee Report recommending bill be passed by Committee on Local Government—HJ 496
- S 248** Bill by Ways and Means  
**Repealing; key deposit funds.**  
 02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Ways and Means—SJ 126  
 02/20/2015 Senate—Hearing: Tuesday, February 24, 2015, 10:30 AM Room 548-S

- 03/23/2015 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 325
- 05/05/2015 Senate—Committee of the Whole - Be passed—SJ 551
- 05/05/2015 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 559
- 05/06/2015 House—Received and Introduced—HJ 707
- 05/07/2015 House—Referred to Committee on Appropriations—HJ 720
- S 249** Bill by Ways and Means  
**Purchasing; competitive bids; vehicle repairs.**  
 02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Ways and Means—SJ 126  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 10:30 AM Room 548-S  
 03/23/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 326  
 05/05/2015 Senate—Committee of the Whole - Be passed as amended—SJ 559  
 05/05/2015 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 559  
 05/06/2015 House—Received and Introduced—HJ 707  
 05/07/2015 House—Referred to Committee on Appropriations—HJ 720
- S 250** Bill by Ways and Means  
**Joint committee on state building construction; reports of the secretary of administration.**  
 02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Ways and Means—SJ 126  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 10:30 AM Room 548-S  
 03/23/2015 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 325  
 05/05/2015 Senate—Committee of the Whole - Be passed—SJ 551  
 05/05/2015 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 559  
 05/06/2015 House—Received and Introduced—HJ 707  
 05/07/2015 House—Referred to Committee on Appropriations—HJ 720
- S 251** Bill by Assessment and Taxation  
**Reducing amount and limiting credit to tax liability of taxpayer of the Kansas earned income tax credit.**  
 02/18/2015 Senate—Introduced—SJ 125  
 02/19/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 135
- S 252** Bill by Federal and State Affairs  
**Relating to the unlawful abuse of toxic vapors.**  
 02/18/2015 Senate—Introduced—SJ 125  
 02/19/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 135  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 9:30 AM Room 118-N  
 02/25/2015 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Corrections and Juvenile Justice—SJ 179  
 03/11/2015 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 243  
 03/12/2015 House—Received and Introduced—HJ 347  
 03/13/2015 House—Referred to Committee on Corrections and Juvenile Justice—HJ 363  
 03/13/2015 House—Hearing: Wednesday, March 18, 2015, 1:30 PM Room 152S

- 03/20/2015 House—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—HJ 481
- 03/25/2015 House—Motion to reconsider adoption of amendment offered by Rep. Sloan adopted.—HJ 546
- 03/25/2015 House—Committee of the Whole - Amendment by Representative Sloan was rejected. Yea: 61 Nay: 62—HJ 546
- 03/25/2015 House—Committee of the Whole - Be passed—HJ 547
- 03/25/2015 House—Emergency Final Action - Passed; Yea: 124 Nay: 0—HJ 553
- 03/31/2015 Senate—Enrolled and presented to Governor on Tuesday, March 31, 2015—SJ 440
- 04/29/2015 Senate—Approved by Governor on Monday, April 6, 2015
- S 253** Bill by Federal and State Affairs  
**Renewable energy standards act sunset.**  
 02/18/2015 Senate—Introduced—SJ 125  
 02/19/2015 Senate—Referred to Committee on Utilities—SJ 135  
 03/06/2015 Senate—Hearing: Tuesday, March 10, 2015, 1:30 PM Room 118-N
- S 254** Bill by Ways and Means  
**Behavioral sciences regulatory board; licensure of professions.**  
 02/19/2015 Senate—Introduced—SJ 134  
 02/20/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 140  
 03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 118-N
- S 255** Bill by Federal and State Affairs  
**Amendments relating to the sale and use of cigarettes and tobacco products.**  
 02/19/2015 Senate—Introduced—SJ 135  
 02/20/2015 Senate—Referred to Committee on Judiciary—SJ 140  
 03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 10:30 AM Room 346-S  
 03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 10:30 AM Room 346-S  
 03/19/2015 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 312  
 05/05/2015 Senate—Committee of the Whole - Be passed as amended—SJ 551  
 05/05/2015 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 560  
 05/06/2015 House—Received and Introduced—HJ 707  
 05/07/2015 House—Referred to Committee on Judiciary—HJ 720
- S 256** Bill by Federal and State Affairs  
**Kansas department for children and families; eligibility requirements for public assistance.**  
 02/20/2015 Senate—Introduced—SJ 139  
 02/23/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 150  
 02/26/2015 Senate—Hearing: Thursday, March 05, 2015, 1:30 PM Room 118-N
- S 257** Bill by Assessment and Taxation  
**Ten-year limit on property tax exemption for renewable resources or technologies.**  
 02/20/2015 Senate—Introduced—SJ 139  
 02/23/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 150  
 03/16/2015 Senate—Hearing: Monday, March 16, 2015, 9:30 AM Room 548-S
- S 258** Bill by Assessment and Taxation  
**Eliminating property tax exemption from statewide school levy for property used for residential purposes to the extent of \$20,000 of its appraised valuation.**

- 02/20/2015 Senate—Introduced—SJ 139  
 02/23/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 150  
 03/06/2015 Senate—Hearing: Wednesday, March 11, 2015, 9:30 AM Room 548-S  
**S 259** Bill by Assessment and Taxation  
**Computation of amount of personal property tax on motor vehicles.**  
 02/20/2015 Senate—Introduced—SJ 139  
 02/23/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 150  
 03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 9:30 AM Room 548-S  
**S 260** Bill by Assessment and Taxation  
**Modifications to Kansas adjusted gross income relative to passive income for  
 Kansas income tax purposes.**  
 02/20/2015 Senate—Introduced—SJ 140  
 02/23/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 150  
 03/06/2015 Senate—Hearing: Thursday, March 12, 2015, 9:30 AM Room 548-S  
**S 261** Bill by Assessment and Taxation  
**Imposing sales tax on sales of gas, electricity, heat and other fuel sources for  
 production of heat and lighting for residential premises and  
 agricultural use.**  
 02/23/2015 Senate—Introduced—SJ 149  
 02/24/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 155  
 03/16/2015 Senate—Hearing: Thursday, March 19, 2015, 9:30 AM Room 548-S  
**S 262** Bill by Federal and State Affairs  
**Charitable gaming; regulation of bingo and raffles.**  
 02/23/2015 Senate—Introduced—SJ 149  
 02/24/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 155  
 03/06/2015 Senate—Hearing: Wednesday, March 11, 2015, 10:30 AM Room 144-S  
**S 263** Bill by Assessment and Taxation  
**Providing a sales tax exemption for fresh fruit and vegetables upon adoption of  
 necessary amendments to the streamlined sales and use tax agreement.**  
 02/23/2015 Senate—Introduced—SJ 149  
 02/24/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 155  
**S 264** Bill by Assessment and Taxation  
**Eliminating sales tax exemption for farm machinery and equipment.**  
 02/23/2015 Senate—Introduced—SJ 149  
 02/24/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 155  
**S 265** Bill by Ways and Means  
**Designated lay caregivers act.**  
 02/24/2015 Senate—Introduced—SJ 155  
 02/25/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 172  
**S 266** Bill by Federal and State Affairs  
**Redefining tenant and rental agreement under the residential landlord and  
 tenant act.**  
 02/24/2015 Senate—Introduced—SJ 155  
 02/25/2015 Senate—Referred to Committee on Commerce—SJ 171  
**S 267** Bill by Federal and State Affairs  
**Exclusion of fantasy sports leagues from the crime of gambling.**  
 02/25/2015 Senate—Introduced—SJ 171  
 02/26/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 186

- 03/18/2015 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 270
- 05/12/2015 Senate—Stricken from Calendar—SJ 601
- S 268** Bill by Ways and Means  
**Changes to stream maintenance and obstruction requirements.**  
 02/25/2015 Senate—Introduced—SJ 171  
 02/26/2015 Senate—Referred to Committee on Natural Resources—SJ 186  
 03/16/2015 Senate—Hearing: Thursday, March 19, 2015, 8:30 AM Room 159-S
- S 269** Bill by Ways and Means  
**Removing eastern spotted skunks from the nongame and endangered species conservation act.**  
 02/25/2015 Senate—Introduced—SJ 171  
 02/26/2015 Senate—Referred to Committee on Natural Resources—SJ 186  
 03/09/2015 Senate—Hearing: Thursday, March 12, 2015, 8:30 AM Room 159-S
- S 270** Bill by Assessment and Taxation  
**Providing for a sales and compensating use tax rate of 6.85% and a rate of 5.9% on food; eliminating certain itemized deductions; decreasing the rate of tax on resident individuals; tax amnesty.**  
 03/04/2015 Senate—Introduced—SJ 222  
 03/06/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 231  
 03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 9:30 AM Room 548-S  
 03/17/2015 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 263  
 03/23/2015 Senate—Committee of the Whole - Be passed—SJ 320  
 03/24/2015 Senate—Final Action - Passed; Yea: 29 Nay: 11—SJ 363  
 03/24/2015 House—Received and Introduced—HJ 513  
 03/25/2015 House—Referred to Committee on Taxation—HJ 523  
 05/05/2015 House—Hearing: Wednesday, May 06, 2015, 1:30 PM Room 346-S  
 05/13/2015 House—Committee report recommending a substitute bill be reported without recommendation by Committee on Taxation. Committee on Taxation—HJ 775  
 05/15/2015 House—Committee of the Whole - Motion to rerefer to committee failed—HJ 797  
 05/15/2015 House—Committee of the Whole - Motion to recommend favorably for passage failed—HJ 797  
 05/29/2015 House—Motion pursuant to House Rule 2311 to advance bill to Final Action subject to amendment, debate and roll call adopted.—HJ 916  
 05/29/2015 House—Emergency Final Action - Passed as amended; Yea: 64 Nay: 54—HJ 933  
 05/29/2015 Senate—Motion to Concur-Failed Yea: 11 Nay: 28—SJ 803  
 05/29/2015 Senate—Motion to Reconsider-Adopted  
 05/29/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Donovan, Senator Tyson and Senator Holland as conferees—SJ 803  
 05/29/2015 House—Motion to accede adopted; Representative Kleeb, Representative Suellentrop and Representative Sawyer appointed as conferees—HJ 948  
 06/04/2015 House—Conference Committee Report agree to disagree adopted; Representative Kleeb, Representative Suellentrop and Representative Sawyer appointed as second conferees—HJ 1609

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- 06/04/2015 Senate—Conference Committee Report agree to disagree adopted; Senator Donovan, Senator Tyson and Senator Holland appointed as second conferees—SJ 1032
- 06/04/2015 House—Conference Committee Report not adopted; Yea: 3 Nay: 108—HJ 1612
- 06/04/2015 House—Motion to reconsider adopted.—HJ 1609
- 06/04/2015 House—Conference Committee Report not adopted; Representative Kleeb, Representative Suellentrop and Representative Sawyer appointed as third conferees—HJ 1609
- 06/05/2015 Senate—Motion to accede adopted; Senator Donovan, Senator Tyson and Senator Holland appointed as third conferees—SJ 1071
- 06/05/2015 House—Conference Committee Report not adopted; Yea: 27 Nay: 82—HJ 1678
- 06/05/2015 House—Motion to reconsider adopted.—HJ 1712
- 06/05/2015 House—Conference Committee Report not adopted; Representative Kleeb, Representative Suellentrop and Representative Sawyer appointed as fourth conferees—HJ 1712
- 06/05/2015 Senate—Motion to accede adopted; Senator Donovan, Senator Tyson and Senator Holland appointed as fourth conferees—SJ 1071
- 06/10/2015 House—Conference Committee Report was adopted; Yea: 66 Nay: 49—HJ 1741
- 06/11/2015 Senate—Conference Committee Report not adopted; Senator Donovan, Senator Tyson and Senator Holland appointed as fifth conferees—SJ 1685
- 06/11/2015 House—Motion to accede adopted; Representative Kleeb, Representative Suellentrop and Representative Sawyer appointed as fifth conferees—HJ 1842
- 06/11/2015 House—Conference Committee Report was adopted; Yea: 63 Nay: 44—HJ 1843
- 06/12/2015 Senate—Conference Committee Report was adopted; Yea: 21 Nay: 19—SJ 1688
- 06/26/2015 Senate—Enrolled and presented to Governor on Tuesday, June 16, 2015—SJ 1749
- 06/26/2015 Senate—Approved by Governor on Tuesday, June 16, 2015—SJ 1745
- S 271** Bill by Assessment and Taxation  
**Exception from height and length vehicle limitations for forage cutters and custom harvesters.**
- 03/05/2015 Senate—Introduced—SJ 224
- 03/06/2015 Senate—Referred to Committee on Transportation—SJ 231
- 03/09/2015 Senate—Hearing: Thursday, March 12, 2015, 8:30 AM Room 546-S
- 03/19/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 315
- 03/23/2015 Senate—Committee of the Whole - Be passed as amended—SJ 320
- 03/24/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 363
- 03/25/2015 House—Received and Introduced—HJ 523
- 03/30/2015 House—Referred to Committee on Transportation—HJ 564
- S 272** Bill by Assessment and Taxation  
**Income tax deduction for net gain on the sale of Christmas trees.**
- 03/05/2015 Senate—Introduced—SJ 225
- 03/06/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 231

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- S 273** Bill by Ways and Means  
**Creating the classroom learning assuring student success act; making and concerning appropriations for fiscal years ending June 30, 2015, June 30, 2016, and June 30, 2017, for the department of education.**  
 03/05/2015 Senate—Introduced—SJ 225  
 03/06/2015 Senate—Referred to Committee on Ways and Means—SJ 231  
 03/09/2015 Senate—Hearing: Tuesday, March 10, 2015, 9:00 AM Room 582-N
- S 274** Bill by Assessment and Taxation  
**Creating the seat belt safety fund; increasing the fine for adult seat belt violations; allowing persons to operate sailboat after completing instruction led class.**  
 03/09/2015 Senate—Introduced—SJ 232  
 03/10/2015 Senate—Referred to Committee on Transportation—SJ 235  
 03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 8:30 AM Room 546-S  
 03/17/2015 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 264  
 04/01/2015 Senate—Committee of the Whole - Be passed as amended—SJ 445  
 04/02/2015 Senate—Final Action - Passed as amended; Yea: 33 Nay: 2—SJ 455  
 04/02/2015 House—Received and Introduced  
 04/29/2015 House—Referred to Committee on Transportation—HJ 608
- S 275** Bill by Ways and Means  
**Establishing water conservation areas.**  
 03/09/2015 Senate—Introduced—SJ 232  
 03/10/2015 Senate—Referred to Committee on Natural Resources—SJ 235  
 03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 8:30 AM Room 159-S
- S 276** Bill by Ways and Means  
**Integrating certain statutes pertaining to business filings and limited liability companies.**  
 03/09/2015 Senate—Introduced—SJ 232  
 03/10/2015 Senate—Referred to Committee on Commerce—SJ 235  
 03/16/2015 Senate—Hearing: Monday, March 16, 2015, 8:30 AM Room 548-S  
 03/17/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 263  
 03/19/2015 Senate—Committee of the Whole - Be passed as amended—SJ 298  
 03/19/2015 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 304  
 03/23/2015 House—Received and Introduced—HJ 486  
 03/24/2015 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 500  
 04/01/2015 House—Hearing: Thursday, April 30, 2015, 1:30 PM Room 346-S  
 05/04/2015 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Commerce, Labor and Economic Development—HJ 663  
 05/05/2015 House—Withdrawn from Consent Calendar and placed on General Orders—HJ 668  
 05/07/2015 House—Committee of the Whole - Be passed—HJ 724  
 05/07/2015 House—Emergency Final Action - Passed; Yea: 118 Nay: 0—HJ 740  
 05/15/2015 Senate—Enrolled and presented to Governor on Friday, May 15, 2015—SJ 720  
 05/20/2015 Senate—Approved by Governor on Tuesday, May 19, 2015

(SJ and HJ Nos. refer to 2015 Senate and House Journals)

- S 277 Bill by Federal and State Affairs  
**Authorizing microbreweries to manufacture and sell hard cider and mead.**  
 03/10/2015 Senate—Introduced—SJ 235  
 03/11/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 240
- S 278 Bill by Federal and State Affairs  
**Cowley county; official stone bridge capital of the state of Kansas.**  
 03/10/2015 Senate—Introduced—SJ 235  
 03/11/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 240  
 03/17/2015 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 263  
 03/24/2015 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 361  
 03/24/2015 House—Received and Introduced—HJ 513  
 03/25/2015 House—Referred to Committee on Federal and State Affairs—HJ 523  
 05/15/2015 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 801
- S 279 Bill by Assessment and Taxation  
**Selection of delegates to an article V convention of the states.**  
 03/12/2015 Senate—Introduced—SJ 248  
 03/13/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 255
- S 280 Bill by Federal and State Affairs  
**Sales tax authority for Thomas and Bourbon counties for constructing or remodeling county jail, law enforcement center, courthouse or other county facility.**  
 03/12/2015 Senate—Introduced—SJ 248  
 03/13/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 255  
 03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 9:30 AM Room 548-S  
 03/18/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 268  
 03/23/2015 Senate—Committee of the Whole - Be passed as amended—SJ 320  
 03/24/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 363  
 03/25/2015 House—Received and Introduced—HJ 523  
 03/30/2015 House—Referred to Committee on Taxation—HJ 564
- S 281 Bill by Federal and State Affairs  
**Sales tax exemption for certain mobility enhancing equipment.**  
 03/12/2015 Senate—Introduced—SJ 248  
 03/13/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 255
- S 282 Bill by Ways and Means  
**Exempting Kansas from daylight saving time.**  
 03/12/2015 Senate—Introduced—SJ 248  
 03/13/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 255
- S 283 Bill by Ways and Means  
**STAR bonds; economic impact study; base year for additions of area to project districts; financing in excess of approved amounts.**  
 03/12/2015 Senate—Introduced—SJ 248  
 03/13/2015 Senate—Referred to Committee on Commerce—SJ 255  
 03/16/2015 Senate—Hearing: Thursday, March 19, 2015, 8:30 AM Room 548-S  
 03/23/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 324

- S 284** Bill by Ways and Means  
**Enacting the Kansas deferred retirement option program act.**  
 03/12/2015 Senate—Introduced—SJ 248  
 03/16/2015 Senate—Referred to Senate Select Committee on KPERS—SJ 257  
 03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 3:30 PM Room 118-N
- S 285** Bill by Ways and Means  
**Healing arts licensees, resident active licenses and health care records.**  
 03/13/2015 Senate—Introduced—SJ 254  
 03/16/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 257  
 03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 118-N
- S 286** Bill by Assessment and Taxation  
**Requiring social security numbers for tax credit eligibility.**  
 03/13/2015 Senate—Introduced—SJ 255  
 03/16/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 257
- S 287** Bill by Assessment and Taxation  
**Making refundable income tax credits nonrefundable.**  
 03/13/2015 Senate—Introduced—SJ 255  
 03/16/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 257
- S 288** Bill by Federal and State Affairs  
**Updating endorsement codes for commercial driver's licenses.**  
 03/17/2015 Senate—Introduced—SJ 262  
 03/18/2015 Senate—Referred to Committee on Transportation—SJ 265  
 03/18/2015 Senate—Hearing: Thursday, March 19, 2015, 8:30 AM Room 546-S  
 03/19/2015 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 316  
 03/24/2015 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 361  
 03/24/2015 House—Received and Introduced—HJ 513  
 03/25/2015 House—Referred to Committee on Transportation—HJ 523
- S 289** Bill by Ways and Means  
**Establishing requirements and fiduciary duties for pharmacy benefits managers under the state health care benefits program.**  
 03/17/2015 Senate—Introduced—SJ 262  
 03/18/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 265
- S 290** Bill by Ways and Means  
**Kansas code of military justice, Article 15; commanding officer's nonjudicial punishment.**  
 03/17/2015 Senate—Introduced—SJ 262  
 03/18/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 265  
 03/18/2015 Senate—Hearing: Thursday, March 19, 2015, 9:30 AM Room 118-N  
 03/19/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 306  
 03/23/2015 Senate—Committee of the Whole - Be passed as amended—SJ 320  
 03/24/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 364  
 03/25/2015 House—Received and Introduced—HJ 523  
 03/30/2015 House—Referred to Committee on Corrections and Juvenile Justice—HJ 564  
 04/29/2015 House—Hearing: Monday, May 04, 2015, 1:30 PM Room 152-S

- 05/05/2015 House—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—HJ 700
- 05/07/2015 House—Committee of the Whole - Be passed—HJ 724
- 05/07/2015 House—Emergency Final Action - Passed; Yea: 118 Nay: 0—HJ 739
- 05/15/2015 Senate—Enrolled and presented to Governor on Friday, May 15, 2015—SJ 720
- 05/20/2015 Senate—Approved by Governor on Tuesday, May 19, 2015
- S 291** Bill by Assessment and Taxation  
**Providing sales tax exemption for certain purchases by hope ranch for women inc. and contractors providing services thereto.**
- 03/18/2015 Senate—Introduced—SJ 265
- 03/19/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 291
- S 292** Bill by Ways and Means  
**Providing orders of the state board of tax appeals to be final for appeals by taxpayers which are lottery gaming enterprises.**
- 03/18/2015 Senate—Introduced—SJ 265
- 03/19/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 294
- S 293** Bill by Federal and State Affairs  
**Land exchange; Pittsburg state university and Pittsburg, Kansas.**
- 03/18/2015 Senate—Introduced—SJ 265
- 03/19/2015 Senate—Referred to Committee on Ways and Means—SJ 294
- 04/29/2015 Senate—Hearing: Wednesday, April 29, 2015, 10:30 AM Room 548-S
- 04/30/2015 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 533
- 05/12/2015 Senate—Stricken from the Calendar—SJ 601
- S 294** Bill by Assessment and Taxation  
**Creating the education finance act of 2015; making and concerning appropriations for fiscal year ending June 30, 2016, for the department of education.**
- 03/19/2015 Senate—Introduced—SJ 293
- 03/20/2015 Senate—Referred separately to Committee on Education and Committee on Ways and Means—SJ 317
- 03/20/2015 Senate—Hearing: Tuesday, March 24, 2015, 12:00 PM Room 582-N
- S 295** Bill by Federal and State Affairs  
**Sentence conversion for certain persons convicted of attempt to commit murder in the second degree.**
- 03/20/2015 Senate—Introduced—SJ 317
- 03/23/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 319
- S 296** Bill by Assessment and Taxation  
**Making the 2015 income tax rates permanent and having the tax rate reduction become effective.**
- 03/23/2015 Senate—Introduced—SJ 319
- 03/24/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 360
- S 297** Bill by Judiciary  
**Grounds for impeachment of Kansas supreme court justices.**
- 03/24/2015 Senate—Introduced—SJ 360
- 03/25/2015 Senate—Referred to Committee on Judiciary—SJ 380

- S 298** Bill by Federal and State Affairs  
**Alcoholic beverages; enacting the county option retailer's act.**  
 03/25/2015 Senate—Introduced—SJ 380  
 03/30/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 412  
 03/30/2015 Senate—Hearing: Tuesday, March 31, 2015, 10:30 AM Room 346-S
- S 299** Bill by Assessment and Taxation  
**Providing working after retirement requirements for certain KPERS retirants who return to work with covered employers including benefit and contribution provisions while extending current sunset for teachers to July 1, 2016.**  
 03/30/2015 Senate—Introduced—SJ 412  
 03/31/2015 Senate—Referred to Senate Select Committee on KPERS—SJ 417  
 04/29/2015 Senate—Hearing: Wednesday, April 29, 2015, 1:00 PM Room 118-N
- S 300** Bill by Ways and Means  
**Education; amendments regarding virtual school state aid, supplemental general state aid, capital outlay state aid and capital improvement state aid.**  
 04/02/2015 Senate—Introduced—SJ 454  
 04/29/2015 Senate—Referred to Committee on Ways and Means—SJ 521
- S 301** Bill by Ways and Means  
**Reconciling amendments to certain statutes.**  
 04/30/2015 Senate—Introduced—SJ 527  
 05/01/2015 Senate—Referred to Committee on Ways and Means—SJ 534  
 05/07/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 593
- S 302** Bill by Assessment and Taxation  
**Statewide excise tax levy of \$3 per acre on the ownership of real property for the purpose of school finance.**  
 04/30/2015 Senate—Introduced—SJ 528  
 05/01/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 534
- S 303** Bill by Ways and Means  
**Clarifying mandated coverage for autism spectrum disorder.**  
 05/04/2015 Senate—Introduced—SJ 537  
 05/05/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 550  
 05/05/2015 Senate—Hearing: Wednesday, May 06, 2015, 9:30 AM Room 582-N  
 05/07/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 592  
 05/19/2015 Senate—Stricken from the Calendar—SJ 759
- S 304** Bill by Ways and Means  
**Administration of abortifacient drugs.**  
 05/11/2015 Senate—Introduced—SJ 596  
 05/12/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 599  
 05/12/2015 Senate—Hearing: Wednesday, May 13, 2015, 9:00 AM Room 144-S
- S 305** Bill by Ways and Means  
**Transferring functions of the Kansas bioscience authority to the department of commerce.**  
 05/13/2015 Senate—Introduced—SJ 604  
 05/14/2015 Senate—Referred to Committee on Ways and Means—SJ 672  
 05/19/2015 Senate—Hearing: Monday, May 18, 2015, 1:00 PM Room 548-S

- S 306** Bill by Senator Baumgardner  
**Open records act; definitions, public agency and public record.**  
 05/14/2015 Senate—Introduced—SJ 671  
 05/15/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 718  
 05/20/2015 Senate—Withdrawn from Committee on Federal and State Affairs;  
 Referred to Committee on Judiciary—SJ 761
- S 307** Bill by Ways and Means  
**Open records act; definitions, public agency and public record.**  
 05/14/2015 Senate—Introduced—SJ 672  
 05/15/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 718  
 05/20/2015 Senate—Withdrawn from Committee on Federal and State Affairs;  
 Referred to Committee on Judiciary—SJ 761
- S 308** Bill by Assessment and Taxation  
**Legislative compensation and subsistence limited to May 22, 2015.**  
 05/20/2015 Senate—Introduced—SJ 760  
 05/21/2015 Senate—Referred to Committee on Ways and Means—SJ 763
- S 309** Bill by Ways and Means  
**Establishing a 3.5% fee for policies sold on the federally facilitated health insurance exchange.**  
 05/20/2015 Senate—Introduced—SJ 760  
 05/21/2015 Senate—Referred to Committee on Ways and Means  
 05/21/2015 Senate—Hearing: Thursday, May 21, 2015, 1:00 PM Room 548-S
- S 310** Bill by Ways and Means  
**Authorizing income tax contributions to school districts.**  
 05/30/2015 Senate—Introduced—SJ 805  
 05/31/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 817
- S 311** Bill by Ways and Means  
**Transfer of administration of school finance from the state board of education to the department of administration and secretary of administration.**  
 05/31/2015 Senate—Introduced—SJ 816  
 06/01/2015 Senate—Referred to Committee on Ways and Means—SJ 904

## TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS

- S 1601** Concurrent Resolution by Senators Wagle, Bruce, Hensley  
**Committee to inform governor that the two houses of the legislature are duly organized and ready to receive communication.**  
 01/12/2015 Senate—Introduced—SJ 7  
 01/12/2015 Senate—Adopted without roll call—SJ 7  
 01/12/2015 House—Received and Introduced  
 01/12/2015 House—Adopted without roll call—HJ 51  
 01/15/2015 Senate—Enrolled and presented to Secretary of State on Thursday, January 15, 2015—SJ 23
- S 1602** Concurrent Resolution by Senator Holland  
**Urging congress to pass an amendment to the United States constitution to overturn the holding in Citizens United v. Federal Election Commission.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Ethics and Elections—SJ 86
- S 1603** Concurrent Resolution by Senators Abrams, Arpke, Baumgardner, Donovan, Knox, LaTurner, Love, Masterson, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Wilborn  
**Making application to the U.S. congress to call a convention of the states.**  
 02/13/2015 Senate—Introduced—SJ 112  
 02/16/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 114  
 03/06/2015 Senate—Hearing: Thursday, March 12, 2015, 10:30 AM Room 144-S
- S 1604** Concurrent Resolution by Senators Wagle, Bruce, Hensley  
**Adjournment of legislature for a time during the 2015 session.**  
 02/26/2015 Senate—Introduced—SJ 185  
 02/26/2015 Senate—Adopted without roll call—SJ 186  
 02/26/2015 House—Received and Introduced  
 02/26/2015 House—Adopted without roll call—HJ 323  
 03/09/2015 Senate—Enrolled and presented to Secretary of State on Monday, March 9, 2015—SJ 234
- S 1605** Concurrent Resolution by Ways and Means  
**A state constitutional amendment concerning public debt.**  
 03/05/2015 Senate—Introduced—SJ 225  
 03/06/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 231
- S 1606** Concurrent Resolution by Senators Pilcher-Cook, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Pyle, Smith, Tyson, Wagle, Wilborn  
**Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.**  
 05/27/2015 Senate—Introduced—SJ 777  
 05/28/2015 Senate—Referred to Committee of the Whole—SJ 786

- S 1607** Concurrent Resolution by Senators Wagle, Bruce, Hensley  
**Adjournment of the 2015 regular session of the legislature.**  
06/12/2015 Senate—Introduced  
06/12/2015 Senate—Adopted without roll call—SJ 1743  
06/12/2015 House—Received and Introduced  
06/12/2015 House—Adopted without roll call—HJ 1901  
06/26/2015 Senate—Enrolled and presented to Secretary of State on Monday, June  
15, 2015—SJ 1749

## TITLE AND HISTORY OF SENATE RESOLUTIONS

- S 1701** Resolution by Senators Wagle, Bruce, Hensley  
**Organization of the Senate, 2015.**  
 01/12/2015 Senate—Introduced—SJ 3  
 01/12/2015 Senate—Adopted without roll call—SJ 3  
 01/15/2015 Senate—Enrolled on Thursday, January 15, 2015—SJ 23
- S 1702** Resolution by Senators Wagle, Bruce, Hensley  
**Assignment of seats in Senate, 2015.**  
 01/12/2015 Senate—Introduced—SJ 3  
 01/12/2015 Senate—Adopted without roll call—SJ 3  
 01/15/2015 Senate—Enrolled on Thursday, January 15, 2015—SJ 23
- S 1703** Resolution by Senators Wagle, Bruce, Hensley  
**Changes to the rules of the Senate for 2013-2016.**  
 01/12/2015 Senate—Introduced—SJ 3  
 01/13/2015 Senate—Referred to Committee of the Whole  
 01/14/2015 Senate—Final Action - Adopted; Yea: 36 Nay: 3—SJ 18  
 01/20/2015 Senate—Engrossed on Wednesday, January 14, 2015—SJ 32  
 01/22/2015 Senate—Enrolled on Thursday, January 22, 2015—SJ 37
- S 1704** Resolution by Senators Abrams, Arpke  
**Congratulating and commending the 2015 Kansas Teacher of the Year team.**  
 01/13/2015 Senate—Introduced—SJ 16  
 01/13/2015 Senate—Adopted without roll call—SJ 16  
 01/15/2015 Senate—Enrolled on Thursday, January 15, 2015—SJ 23
- S 1705** Resolution by Senator Faust-Goudeau  
**Commemorating the 50th anniversary of the 1965 Piatt street plane crash.**  
 01/15/2015 Senate—Introduced—SJ 21  
 01/15/2015 Senate—Adopted without roll call—SJ 22  
 01/22/2015 Senate—Enrolled on Thursday, January 22, 2015—SJ 37
- S 1706** Resolution by Senator McGinn  
**Commemorating the 11th Anniversary of National Wear Red Day.**  
 02/05/2015 Senate—Introduced—SJ 79  
 02/05/2015 Senate—Adopted without roll call—SJ 79  
 02/09/2015 Senate—Enrolled on Monday, February 9, 2015—SJ 91
- S 1707** Resolution by Senator Haley  
**Honoring George W. Haley, the first African-American Kansas State Senator.**  
 02/05/2015 Senate—Introduced—SJ 80  
 02/05/2015 Senate—Adopted without roll call—SJ 81  
 02/09/2015 Senate—Enrolled on Monday, February 9, 2015—SJ 91
- S 1708** Resolution by Senators Kelly, Hensley, Love, V. Schmidt  
**Commemorating the 150th Anniversary of Washburn University in Topeka, Kansas.**  
 02/06/2015 Senate—Introduced—SJ 86  
 02/06/2015 Senate—Adopted without roll call—SJ 87  
 02/09/2015 Senate—Enrolled on Monday, February 9, 2015—SJ 91

- S 1709** Resolution by Senators Kerschen, V. Schmidt  
**Designating February 10, 2015, as Multiple Sclerosis Awareness Day at the Capitol.**  
 02/10/2015 Senate—Introduced—SJ 94  
 02/10/2015 Senate—Adopted without roll call—SJ 95  
 02/12/2015 Senate—Enrolled on Thursday, February 12, 2015—SJ 110
- S 1710** Resolution by Senator Kelly  
**Congratulating and commending the Rossville High School Football Team.**  
 02/10/2015 Senate—Introduced—SJ 95  
 02/10/2015 Senate—Adopted without roll call—SJ 96  
 02/12/2015 Senate—Enrolled on Thursday, February 12, 2015—SJ 110
- S 1711** Resolution by Senator Powell  
**Endorsing the twenty-sixth anniversary of sister state relations with the Republic of China (Taiwan), Taiwan's participation in the Trans-Pacific Partnership (TOO) and the United Nations Framework Convention on Climate Change (UNFCCC) and Taiwan's participation as an observer in the International Civil Aviation Organization (ICAO).**  
 02/12/2015 Senate—Introduced—SJ 105  
 02/12/2015 Senate—Adopted without roll call—SJ 107  
 02/18/2015 Senate—Enrolled on Wednesday, February 18, 2015—SJ 133
- S 1712** Resolution by Senator Abrams  
**Congratulating and commending the 2015 Kansas Horizon Award Program educators.**  
 02/16/2015 Senate—Introduced—SJ 115  
 02/16/2015 Senate—Adopted without roll call—SJ 116  
 02/18/2015 Senate—Enrolled on Wednesday, February 18, 2015—SJ 133
- S 1713** Resolution by Senator Abrams  
**Congratulating and commending the Kansas recipient of the 2014 Milken Educator Award.**  
 02/16/2015 Senate—Introduced—SJ 116  
 02/16/2015 Senate—Adopted without roll call—SJ 117  
 02/18/2015 Senate—Enrolled on Wednesday, February 18, 2015—SJ 133
- S 1714** Resolution by Senator Abrams  
**Congratulating and commending the 2014 Kansas National Board Certified Teachers.**  
 02/16/2015 Senate—Introduced—SJ 117  
 02/16/2015 Senate—Adopted without roll call—SJ 118  
 02/18/2015 Senate—Enrolled on Wednesday, February 18, 2015—SJ 133
- S 1715** Resolution by Senator O'Donnell  
**Honoring native Kansan, Frederick L. Simon, for his service in the U.S. Army and the success of Freddy's Frozen Custard & Steakhburgers.**  
 02/16/2015 Senate—Introduced—SJ 118  
 02/16/2015 Senate—Adopted without roll call—SJ 119  
 02/18/2015 Senate—Enrolled on Wednesday, February 18, 2015—SJ 133

- S 1716** Resolution by Senators Kerschen, Abrams, Bowers, Francisco, Hawk, Powell, Tyson, Wilborn  
**Congratulating the Kansas State University Crops Team on winning the Collegiate Crops Contest Championship.**  
 02/17/2015 Senate—Introduced—SJ 123  
 02/17/2015 Senate—Adopted without roll call—SJ 123  
 02/18/2015 Senate—Enrolled on Wednesday, February 18, 2015—SJ 133
- S 1717** Resolution by Senator King  
**Congratulating the Independence Lady Bulldogs Tennis Team on winning their 5th State Championship and commending Ken Brown on his retirement.**  
 02/18/2015 Senate—Introduced—SJ 126  
 02/18/2015 Senate—Adopted without roll call—SJ 127  
 02/25/2015 Senate—Enrolled on Wednesday, February 25, 2015—SJ 184
- S 1718** Resolution by Senators O'Donnell, Donovan, Faust-Goudeau, Kerschen, Masterson, McGinn, Petersen, Wagle  
**Recognizing the 44th Wichita Riverfest.**  
 02/23/2015 Senate—Introduced—SJ 150  
 02/23/2015 Senate—Adopted without roll call—SJ 151  
 02/25/2015 Senate—Enrolled on Wednesday, February 25, 2015—SJ 184
- S 1719** Resolution by Senators Faust-Goudeau, Bowers, Hensley, O'Donnell  
**Commending the firefighters of Kansas and observing the month of October as Firefighter Appreciation Month.**  
 02/24/2015 Senate—Introduced—SJ 155  
 02/24/2015 Senate—Adopted without roll call—SJ 156  
 02/25/2015 Senate—Enrolled on Wednesday, February 25, 2015—SJ 184
- S 1720** Resolution by Senators Tyson, Melcher  
**Commemorating the 150th Anniversary of Ottawa University in Ottawa, Kansas.**  
 02/24/2015 Senate—Introduced—SJ 156  
 02/24/2015 Senate—Adopted without roll call—SJ 158  
 02/25/2015 Senate—Enrolled on Wednesday, February 25, 2015—SJ 184
- S 1721** Resolution by Senator Kelly  
**Honoring the Seaman High School Marching band for their performance at the Valero Alamo Bowl Pre-Game Show.**  
 03/05/2015 Senate—Introduced—SJ 229  
 03/05/2015 Senate—Adopted without roll call—SJ 229  
 03/09/2015 Senate—Enrolled on Monday, March 9, 2015—SJ 234
- S 1722** Resolution by Senators Holland, Abrams, Arpke, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Kelly, Longbine, Love, McGinn, O'Donnell, Ostmeier, Petersen, Pettey, V. Schmidt  
**Recognizing the Kansas Small Business Development Center's 2015 Businesses of the Year.**  
 03/10/2015 Senate—Introduced—SJ 236  
 03/10/2015 Senate—Adopted without roll call—SJ 236  
 03/13/2015 Senate—Enrolled on Friday, March 13, 2015—SJ 256

- S 1723** Resolution by Senators Faust-Goudeau, Haley  
**Designating March 10, 2015 as Kansas TRIO Day.**  
 03/10/2015 Senate—Introduced—SJ 237  
 03/10/2015 Senate—Adopted without roll call—SJ 238  
 03/13/2015 Senate—Enrolled on Friday, March 13, 2015—SJ 256
- S 1724** Resolution by Senator Powell  
**Congratulating and commending Garden City Community College for being named College of the Year for 2014 by the Rural Community College Alliance.**  
 03/11/2015 Senate—Introduced—SJ 240  
 03/11/2015 Senate—Adopted without roll call—SJ 241  
 03/13/2015 Senate—Enrolled on Friday, March 13, 2015—SJ 256
- S 1725** Resolution by Senators O'Donnell, Donovan, Faust-Goudeau, Kerschen, Masterson, McGinn, Melcher, Petersen, Wagle  
**Commemorating the 90th Anniversary of Junior League of Wichita.**  
 03/12/2015 Senate—Introduced—SJ 249  
 03/12/2015 Senate—Adopted without roll call—SJ 249  
 03/13/2015 Senate—Enrolled on Friday, March 13, 2015—SJ 256
- S 1726** Resolution by Senators Arpke, Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf  
**Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.**  
 03/18/2015 Senate—Introduced—SJ 267  
 03/18/2015 Senate—Adopted without roll call—SJ 267  
 03/20/2015 Senate—Enrolled on Friday, March 20, 2015—SJ 318
- S 1727** Resolution by Senators Faust-Goudeau, Haley  
**Recognizing the members of Delta Sigma Theta Sorority, Inc. for their outstanding service to the citizens of our state, our nation and the international community, and for their promotion of sisterhood, scholarship and service.**  
 03/19/2015 Senate—Introduced—SJ 294  
 03/19/2015 Senate—Adopted without roll call—SJ 295  
 03/20/2015 Senate—Enrolled on Friday, March 20, 2015—SJ 318
- S 1728** Resolution by Senator V. Schmidt  
**Designating March 31, 2015, as Congenital Diaphragmatic Hernia Awareness Day.**  
 03/31/2015 Senate—Introduced—SJ 417  
 03/31/2015 Senate—Adopted without roll call—SJ 418  
 04/01/2015 Senate—Enrolled on Wednesday, April 1, 2015—SJ 452
- S 1729** Resolution by Senators Faust-Goudeau, O'Donnell  
**Congratulating and commending Mayor Carl Brewer for his outstanding leadership and record of service to the city of Wichita.**  
 04/01/2015 Senate—Introduced—SJ 441  
 04/01/2015 Senate—Adopted without roll call—SJ 442  
 04/02/2015 Senate—Enrolled on Thursday, April 2, 2015—SJ 519

- S 1730** Resolution by Senator Haley  
**Recognizing the misuse and abuse of prescription drug medications as a major threat to public health and safety in Kansas and nationwide and designating April 25, 2015, as Kansas Drug Take-Back Day.**  
 04/01/2015 Senate—Introduced—SJ 442  
 04/01/2015 Senate—Adopted without roll call—SJ 443  
 04/02/2015 Senate—Enrolled on Thursday, April 2, 2015—SJ 519
- S 1731** Resolution by Senator Holland  
**Congratulating the Baldwin High School wrestling team on winning the 2015 Class 4A State Wrestling Championship.**  
 04/29/2015 Senate—Introduced—SJ 522  
 04/29/2015 Senate—Adopted without roll call—SJ 523  
 04/29/2015 Senate—Introduced—SJ 522  
 04/29/2015 Senate—Adopted without roll call—SJ 523  
 05/04/2015 Senate—Enrolled on Monday, May 4, 2015—SJ 549
- S 1732** Resolution by Senators Petersen, Abrams, Donovan, Faust-Goudeau, Kerschen, Masterson, McGinn, O'Donnell, V. Schmidt, Wagle  
**Congratulating the Wichita South High School women's basketball team on its class 6A state championship.**  
 04/29/2015 Senate—Introduced—SJ 523  
 04/29/2015 Senate—Adopted without roll call—SJ 524  
 05/04/2015 Senate—Enrolled on Monday, May 4, 2015—SJ 549
- S 1733** Resolution by Senator Ostmeyer  
**Congratulating the Hoxie High School women's basketball team on winning the 2015 Class 1A State Championship.**  
 04/29/2015 Senate—Introduced—SJ 524  
 04/29/2015 Senate—Adopted without roll call—SJ 525  
 05/04/2015 Senate—Enrolled on Monday, May 4, 2015—SJ 549
- S 1734** Resolution by Senator Ostmeyer  
**Congratulating the Sharon Springs boys' basketball team on winning the Class 1A Division II State Championship.**  
 04/29/2015 Senate—Introduced—SJ 525  
 04/29/2015 Senate—Adopted without roll call—SJ 525  
 05/04/2015 Senate—Enrolled on Monday, May 4, 2015—SJ 549
- S 1735** Resolution by Senator Ostmeyer  
**Congratulating the Norton Community High School wrestling team on winning the 2015 Class 3-2-1A State Wrestling Championship.**  
 04/29/2015 Senate—Introduced—SJ 525  
 04/29/2015 Senate—Adopted without roll call—SJ 526  
 05/04/2015 Senate—Enrolled on Monday, May 4, 2015—SJ 549
- S 1736** Resolution by Senator King  
**Congratulating the Erie High School Chess Team on winning the Kansas Scholastic State Chess Championship two years in a row.**  
 04/30/2015 Senate—Introduced—SJ 528  
 04/30/2015 Senate—Adopted without roll call—SJ 528  
 05/04/2015 Senate—Enrolled on Monday, May 4, 2015—SJ 549

- S 1737 Resolution by Senators Lynn, Olson  
**Congratulating and commending Vanya Shivashankar of Olathe, Kansas, for winning the national "Child Genius" competition.**  
 04/30/2015 Senate—Introduced—SJ 529  
 04/30/2015 Senate—Adopted without roll call—SJ 529  
 05/04/2015 Senate—Enrolled on Monday, May 4, 2015—SJ 549
- S 1738 Resolution by Senator Francisco  
**Congratulating and commending 50 years of accreditation for the University of Kansas' graduate programs in speech, language and hearing.**  
 05/01/2015 Senate—Introduced—SJ 535  
 05/01/2015 Senate—Adopted without roll call—SJ 535  
 05/04/2015 Senate—Enrolled on Monday, May 4, 2015—SJ 549
- S 1739 Resolution by Senators Kelly, Longbine  
**Commemorating the 100th anniversary of Wamego Health Center in Wamego, Kansas.**  
 05/04/2015 Senate—Introduced—SJ 537  
 05/04/2015 Senate—Adopted without roll call—SJ 539  
 05/08/2015 Senate—Enrolled on Friday, May 8, 2015—SJ 595
- S 1740 Resolution by Senators Longbine, Fitzgerald, Hawk, Knox, Masterson, Melcher, V. Schmidt, Wolf  
**Congratulating and commending the 2015 Kansas Master Teachers.**  
 05/06/2015 Senate—Introduced—SJ 564  
 05/06/2015 Senate—Adopted without roll call—SJ 565  
 05/08/2015 Senate—Enrolled on Friday, May 8, 2015—SJ 595
- S 1741 Resolution by Senator Baumgardner  
**Congratulating the Johnson County Community College women's basketball team on winning the 2015 NJCAA Division II National Championship.**  
 05/07/2015 Senate—Introduced—SJ 566  
 05/07/2015 Senate—Adopted without roll call—SJ 567  
 05/08/2015 Senate—Enrolled on Friday, May 8, 2015—SJ 595
- S 1742 Resolution by Senators Lynn, Melcher, Olson  
**Congratulating and commending the Olathe Public Schools ProStart Culinary Team for winning first place at the 2015 National ProStart Invitational.**  
 05/07/2015 Senate—Introduced—SJ 567  
 05/07/2015 Senate—Adopted without roll call—SJ 568  
 05/08/2015 Senate—Enrolled on Friday, May 8, 2015—SJ 595
- S 1743 Resolution by Senators Wolf, Smith  
**Congratulating the Shawnee Mission East men's swimming and diving team on winning the Kansas State Swimming and Diving Championship.**  
 05/07/2015 Senate—Introduced—SJ 568  
 05/07/2015 Senate—Adopted without roll call—SJ 569  
 05/08/2015 Senate—Enrolled on Friday, May 8, 2015—SJ 595
- S 1744 Resolution by Senator Holland  
**Congratulating the Tonganoxie High School Science Olympiad team on winning its first state championship.**  
 05/12/2015 Senate—Introduced—SJ 600  
 05/12/2015 Senate—Adopted without roll call—SJ 600  
 05/14/2015 Senate—Enrolled on Thursday, May 14, 2015—SJ 717

- S 1745** Resolution by Senators Masterson, Knox  
**Congratulating and commending Dahlia Crook for her national archery accomplishments.**  
 05/12/2015 Senate—Introduced—SJ 601  
 05/12/2015 Senate—Adopted without roll call—SJ 601  
 05/14/2015 Senate—Enrolled on Thursday, May 14, 2015—SJ 717
- S 1746** Resolution by Senators Arpke, Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf  
**Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.**  
 05/13/2015 Senate—Introduced—SJ 607  
 05/13/2015 Senate—Adopted without roll call—SJ 608  
 05/14/2015 Senate—Enrolled on Thursday, May 14, 2015—SJ 717
- S 1747** Resolution by Senators Pettey, Kelly, Powell  
**Congratulating and commending the Kansas recipients of the 2015 Gates Millennium Scholarship.**  
 05/13/2015 Senate—Introduced—SJ 605  
 05/13/2015 Senate—Adopted without roll call—SJ 606  
 05/14/2015 Senate—Enrolled on Thursday, May 14, 2015—SJ 717
- S 1748** Resolution by Senators V. Schmidt, Hensley, Kelly  
**Commending Dr. Brenda S. Dietrich on her retirement in 2015.**  
 05/14/2015 Senate—Introduced—SJ 672  
 05/14/2015 Senate—Adopted without roll call—SJ 673  
 05/14/2015 Senate—Enrolled on Thursday, May 14, 2015—SJ 717
- S 1749** Resolution by Senator Ostmeyer  
**Congratulating and commending Hays High School for winning the 4A state championship at the Kansas Scholastic Press Association state journalism contest.**  
 05/15/2015 Senate—Introduced—SJ 719  
 05/15/2015 Senate—Adopted without roll call—SJ 720  
 05/20/2015 Senate—Enrolled on Wednesday, May 20, 2015—SJ 762
- S 1750** Resolution by Senator Ostmeyer  
**Congratulating and commending St. Francis Community High School for winning the 1A state championship at the Kansas Scholastic Press Association state journalism contest.**  
 05/15/2015 Senate—Introduced—SJ 720  
 05/15/2015 Senate—Adopted without roll call—SJ 720  
 05/20/2015 Senate—Enrolled on Wednesday, May 20, 2015—SJ 762
- S 1751** Resolution by Senator McGinn  
**Recognizing tick-borne disease awareness month and supporting further Lyme disease research.**  
 05/19/2015 Senate—Introduced—SJ 725  
 05/19/2015 Senate—Adopted without roll call—SJ 727  
 05/20/2015 Senate—Enrolled on Wednesday, May 20, 2015—SJ 762

- S 1752** Resolution by Senators O'Donnell, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf  
**Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.**  
 05/28/2015 Senate—Introduced—SJ 787  
 05/28/2015 Senate—Adopted without roll call—SJ 788  
 05/29/2015 Senate—Enrolled on Friday, May 29, 2015—SJ 804
- S 1753** Resolution by Senator Lynn  
**Congratulating and commending Vanya Shivashankar of Olathe, Kansas, for winning the 2015 National Spelling Bee.**  
 05/30/2015 Senate—Introduced—SJ 807  
 05/30/2015 Senate—Adopted without roll call—SJ 808  
 06/01/2015 Senate—Enrolled on Monday, June 1, 2015—SJ 1003
- S 1754** Resolution by Senators Haley, Faust-Goudeau  
**Recognizing the observance of an annual Juneteenth Day.**  
 06/06/2015 Senate—Introduced—SJ 1140  
 06/06/2015 Senate—Adopted without roll call—SJ 1141  
 06/09/2015 Senate—Enrolled on Tuesday, June 9, 2015—SJ 1654

## TITLE AND HISTORY OF EXECUTIVE REORGANIZATION ORDERS

- ERO 43** Executive Reorganization Order No. 43 by Governor Brownback  
**Transferring Medicaid eligibility processing duties from the Department for Children and Families to the Kansas Department of Health and Environment and transferring foster care licensing responsibilities from the Kansas Department of Health and Environment to the Department for Children and Families.**
- 01/20/2015 Senate—Received  
01/20/2015 Senate—Introduced and read by title—SJ 27  
01/21/2015 Senate—Referred to Committee on Judiciary—SJ 34  
03/21/2015 Senate—Time limit for action expired; ERO becomes effective July 1, 2015.

FINAL  
**SENATE CALENDAR**

No. 90

**JANUARY 12, 2015 THROUGH ADJOURNMENT JUNE 26, 2015**

**NUMERICAL SCHEDULE OF SENATE BILLS**

1 Corr & Juv Jus	30 Gen Orders	61 Fed & State
2 Education	31 H Taxation	62 H Fed & State
3 Commerce	32 Gen Orders	63 H Taxation
H Sub	33 Education	64 H Ag & Nat Res
4 Signed, Pub 2/12/15	34 Signed, St Bk	65 Gen Orders
5 Stricken, Cal	35 Ways and Means	66 Fed & State
6 H Fed & State	H Sub	67 Education
H Sub	36 Signed, St Bk	68 Stricken, Cal
7 Signed, Pub 4/2/15	37 Judiciary	69 Pub H & Wel
8 Signed, St Bk	Sub	70 Stricken, H Cal
9 Pub H & Wel	38 Signed, St Bk	71 Ways & Means
10 Stricken, Cal	39 Stricken, Cal	72 Stricken, H Cal
H Sub	40 Pub H & Wel	73 Signed, St Bk
11 Signed, Pub 6/6/15	41 Ethics & Elect	74 Stricken, Cal
H Sub	42 H Elections	75 Fin Inst & Ins
12 Signed, St Bk	43 Signed, St Bk	76 Signed, St Bk
13 Signed, St Bk	44 H Judiciary	77 Stricken, H Cal
14 Signed, Pub 5/28/15	45 Signed, St Bk	78 Died, Final Action
15 Stricken, Cal	46 Signed, St Bk	79 Ethics & Elect
16 Judiciary	47 Signed, St Bk	80 Commerce
17 H Judiciary	48 H Taxation	81 Ways & Means
Sub	49 Pub H & Wel	82 Stricken, Cal
18 H Judiciary	50 Assess & Tax	83 Utilities
19 Gen Orders	51 Stricken, H Cal	84 Stricken, Cal
20 Gen Orders	52 Signed, St Bk	85 Fed & State
21 Signed, Pub 4/9/15	53 Corr & Juv Jus	86 H Judiciary
22 Gen Orders	H Sub	87 Ethics & Elect
23 H Taxation	54 Stricken, H Cal	88 Corr & Juv Jus
24 H Fed & State	55 H Fin Inst	89 Stricken, Cal
25 Fed & State	56 H Judiciary	90 Stricken, Cal
26 Gen Orders	57 H Judiciary	H Sub
27 Died, Final Action	58 H Judiciary	91 Signed, St Bk
28 Stricken, H Cal	59 H Gen Orders	92 Fed & State
H Sub	Sub	93 Stricken, H Cal
29 H Gen Orders	60 H Education	94 Transportation

95 Signed, St Bk	132 Natural Res	173 Transportation
96 Judiciary	133 H Judiciary	174 Transportation
97 H Ag Nat & Res	134 Agriculture	175 H Gen Orders
98 H Judiciary	135 Assess & Tax	176 Education
99 Transportation	136 H Education	177 Ethics & Elec
100 Fin Inst & Ins	137 Ways & Means	178 Assess & Tax
101 Signed, St Bk	138 Natural Res	179 Commerce
102 Fin Inst & Ins	139 Transportation	180 H Health/Hum Serv
103 Fin Inst & Ins	140 Gen Orders	181 H Health/Hum Serv
104 Gen Orders	141 Pub H & Wel	Sub
105 Signed, St Bk	142 Stricken, H Cal	182 Gen Orders
106 H Com/Labor/Econ	143 Fin Inst & Ins	183 Stricken, H Cal
107 Commerce	144 Fin Inst & Ins	H Sub
108 Signed, St Bk	145 Fin Inst & Ins	184 Stricken, H Cal
109 Signed, Pub 4/9/15	146 Corr & Juv Jus	185 Judiciary
110 Assess & Tax	147 Corr & Juv Jus	186 Fin Inst & Ins
111 Corr & Juv Jus	148 Stricken, Cal	187 Assess & Tax
H Sub	149 H Taxation	188 H Gen Orders
112 Signed, Line Item	150 Signed, Pub 4/9/15	189 Signed, St Bk
Veto Sustained	151 Utilities	190 H Taxation
Pub 6/26/15	152 Fed & State	191 Corr & Juv Jus
113 Signed, St Bk	153 Fed & State	192 Fed & State
114 Judiciary	154 Signed, St Bk	193 H Education
115 Fed & State	Sub	194 Corr & Juv Jus
116 Judiciary	155 H Insurance	195 Judiciary
H Sub	156 Signed, St Bk	196 Corr & Juv Jus
117 Vetoed; Overridden	157 Stricken, H Cal	197 H Judiciary
Pub 5/14/15	158 Judiciary	198 Commerce
118 Natural Res	159 H Judiciary	199 Assess & Tax
119 Agriculture	160 Judiciary	200 Assess & Tax
120 Signed, St Bk	161 H Appropriations	201 Fed & State
121 H Health/Hum Serv	162 Ways & Means	202 Fin Inst & Ins
122 Pub H & Wel	163 Ethics & Elect	203 Judiciary
123 Died, Final Action	164 Transportation	204 Judiciary
124 Signed, St Bk	165 Judiciary	205 Fed & State
125 H Ag & Nat Res	166 Fed & State	206 Signed, St Bk
126 Stricken, H Cal	167 Commerce	207 Commerce
127 Signed, St Bk	168 H Pen & Benefits	208 Commerce
128 H Judiciary	169 Agriculture	209 Commerce
129 Corr & Juv Jus	170 Stricken, Cal	210 Commerce
130 Fin Inst & Ins	Sub	211 Fed & State
Sub	171 H Taxation	212 Commerce
131 H Gen Orders	172 Fin Inst & Ins	213 Corr & Juv Jus

214 Stricken, H Cal	247 H Gen Orders	280 H Taxation
215 H Taxation	248 H Appropriations	281 Assess & Tax
Sub	249 H Appropriations	282 Fed & State
216 H Corr & Juv Jus	250 H Appropriations	283 Gen Orders
217 Fed & State	251 Assess & Tax	284 Select Com KPERS
218 Pub H & Wel	252 Signed, St Bk	285 Pub H & Wel
219 Gen Orders	253 Utilities	286 Assess & Tax
220 Stricken, Cal	254 Pub H & Wel	287 Assess & Tax
221 Commerce	255 H Judiciary	288 H Transportation
222 Corr & Juv Jus	256 Pub H & Wel	289 Fin Inst & Ins
223 Fed & State	257 Assess & Tax	290 Signed, St Bk
224 H Fed & State	258 Assess & Tax	291 Assess & Tax
225 Fed & State	259 Assess & Tax	292 Assess & Tax
226 Fed & State	260 Assess & Tax	293 Stricken, Cal
227 H Ag & Nat Res	261 Assess & Tax	294 Education/ Ways & Means
228 Signed, Pub 4/23/15	262 Fed & State	(separately)
229 Judiciary	263 Assess & Tax	295 Corr & Juv Jus
230 Judiciary	264 Assess & Tax	296 Assess & Tax
231 Fed & State	265 Pub H & Wel	297 Judiciary
232 Gen Orders	266 Commerce	298 Fed & State
233 Assess & Tax	267 Stricken, Cal	299 Select Com KPERS
234 Gen Orders	268 Natural Res	300 Ways & Means
235 Ways & Means	269 Natural Res	301 Gen Orders
236 Ways & Means	H Sub	302 Assess & Tax
237 Ways & Means	270 Signed, St Bk	303 Stricken, Cal
238 Assess & Tax	271 H Transportation	304 Fed & State
239 H Elections	272 Assess & Tax	305 Ways & Means
240 Signed, St Bk	273 Ways & Means	306 Judiciary
241 H Appropriations	274 H Transportation	307 Judiciary
242 Fed & State	275 Natural Res	308 Ways & Means
243 Fed & State	276 Signed, St Bk	309 Ways & Means
244 H Local Gov	277 Fed & State	310 Assess & Tax
245 H Transportation	278 H Gen Orders	311 Ways & Means
246 H Energy & Env	279 Fed & State	

**NUMERICAL SCHEDULE OF  
SENATE CONCURRENT RESOLUTIONS  
2015 SESSION**

1601 Adopted & Enr	1604 Adopted & Enr	1606 Gen Orders
1602 Ethics & Elec	1605 Fin Inst & Ins	1607 Adopted & Enr
1603 Fed & State		

**NUMERICAL SCHEDULE OF SENATE RESOLUTIONS****2015 SESSION**

1701 Adopted & Enr	1719 Adopted & Enr	1737 Adopted & Enr
1702 Adopted & Enr	1720 Adopted & Enr	1738 Adopted & Enr
1703 Adopted & Enr	1721 Adopted & Enr	1739 Adopted & Enr
1704 Adopted & Enr	1722 Adopted & Enr	1740 Adopted & Enr
1705 Adopted & Enr	1723 Adopted & Enr	1741 Adopted & Enr
1706 Adopted & Enr	1724 Adopted & Enr	1742 Adopted & Enr
1707 Adopted & Enr	1725 Adopted & Enr	1743 Adopted & Enr
1708 Adopted & Enr	1726 Adopted & Enr	1744 Adopted & Enr
1709 Adopted & Enr	1727 Adopted & Enr	1745 Adopted & Enr
1710 Adopted & Enr	1728 Adopted & Enr	1746 Adopted & Enr
1711 Adopted & Enr	1729 Adopted & Enr	1747 Adopted & Enr
1712 Adopted & Enr	1730 Adopted & Enr	1748 Adopted & Enr
1713 Adopted & Enr	1731 Adopted & Enr	1749 Adopted & Enr
1714 Adopted & Enr	1732 Adopted & Enr	1750 Adopted & Enr
1715 Adopted & Enr	1733 Adopted & Enr	1751 Adopted & Enr
1716 Adopted & Enr	1734 Adopted & Enr	1752 Adopted & Enr
1717 Adopted & Enr	1735 Adopted & Enr	1753 Adopted & Enr
1718 Adopted & Enr	1736 Adopted & Enr	1754 Adopted & Enr

**SENATE ACTION ON HOUSE BILLS****2015 SESSION**

2003 CCR Adopted	S Sub	S Sub
2005 CCR Adopted	2056 Gen Orders	2095 CCR Adopted
2006 Pass Am, H Con	2059 Natural Res	S Sub
2008 Education	2061 CCR Adopted	2096 Ways & Means
2009 Passed	2063 Natural Res	2097 Passed
2010 Pass Am, H Con	2064 CCR Adopted	S Sub
2013 CCR Adopted	2065 Fin Inst & Ins	2101 CCR Adopted
2023 Passed	2066 Passed	2103 Passed
2025 CCR Adopted	S Sub	2104 CCR Adopted
2029 Agriculture	2074 Pass Am	2106 Pass Am, H Con
S Sub	2085 Passed	S Sub
2042 CCR Adopted	2087 Fed & State	2109 CCR Adopted
S Sub	2088 Fed & State	2111 CCR Adopted
2043 CCR Adopted	2089 Fed & State	2112 Judiciary
2044 CCR Adopted	S Sub	S Sub
2048 CCR Adopted	2090 CCR Adopted	Sub
2049 Corr & Juv Jus	2091 Transportation	2115 Gen Orders
2051 CCR Adopted	S Sub	S Sub
2053 Pass Am, H Con	2094 Pass Am, H Con	2124 CCR Adopted
2055 CCR Adopted		

2125 Fed & State	2183 CCR Adopted	2259 Pass Am, H Con
2126 Passed	2191 Fed & State	2260 Fin Inst & Ins
2131 Utilities	2192 Passed	2267 Passed
S Sub	2193 Pass Am, H Con	2268 Pass Am
2135 CCR Adopted	2197 Local Government	2275 Passed
2142 CCR Adopted	2216 Pass Am, H Con	S Sub
S Sub	2223 CCR Adopted	2281 CCR Adopted
2149 CCR Adopted	Sub	S Sub
2154 CCR Adopted	2224 Passed	2326 Died, Final Action
S Sub	S Sub	2331 CCR Adopted
2155 CCR Adopted	2225 CCR Adopted	2336 Pass Am, H Con
2156 Natural Res	S Sub	2341 Natural Res
Sub	2228 Pass Am, H Con	2352 CCR Adopted
2159 CCR Adopted	2231 Pass Am, H Con	S Sub
2163 Local Government	2233 CCR Adopted	2353 CCR Adopted
2164 Local Government	2240 Passed	2364 CCR Adopted
2165 CCR Adopted	2246 Passed	2365 Ways & Means
S Sub	2254 Passed	2382 Corr & Juv Jus
Sub	2256 CCR Adopted	2387 Fed & State
2170 CCR Adopted	S Sub	2391 Passed
S Sub	2258 Pass Am, H Con	2395 CCR Adopted
2177 Passed		

**SENATE ACTION ON HOUSE CONCURRENT RESOLUTIONS  
2015 SESSION**

5001 Adopted	5016 Adopted	5019 Adopted
5002 CCR Adopted	5017 Adopted	

**SENATE BILLS CARRIED OVER TO 2016 SESSION**

1 Corr & Juv Jus	26 Gen Orders	50 Assess & Tax
2 Education	H Sub	53 Corr & Juv Jus
3 Commerce	29 H Gen Orders	55 H Fin Inst
6 H Fed & State	30 Gen Orders	56 H Judiciary
9 Pub H & Wel	31 H Taxation	57 H Judiciary
16 Judiciary	32 Gen Orders	58 H Judiciary
17 H Judiciary	33 Education	59 H Gen Orders
Sub	35 Ways and Means	Sub
18 H Judiciary	37 Judiciary	60 H Education
19 Gen Orders	40 Pub H & Wel	61 Fed & State
20 Gen Orders	41 Ethics & Elect	62 H Fed & State
22 Gen Orders	42 H Elections	63 H Taxation
23 H Taxation	44 H Judiciary	64 H Ag & Nat Res
24 H Fed & State	48 H Taxation	65 Gen Orders
25 Fed & State	49 Pub H & Wel	66 Fed & State

67 Education	137 Ways & Means	187 Assess & Tax
69 Pub H & Wel	138 Natural Res	188 H Gen Orders
71 Ways & Means	139 Transportation	190 H Taxation
75 Fin Inst & Ins	140 Gen Orders	191 Corr & Juv Jus
79 Ethics & Elect	141 Pub H & Wel	192 Fed & State
80 Commerce	143 Fin Inst & Ins	193 H Education
81 Ways & Means	144 Fin Inst & Ins	194 Corr & Juv Jus
83 Utilities	145 Fin Inst & Ins	195 Judiciary
85 Fed & State	146 Corr & Juv Jus	196 Corr & Juv Jus
86 H Judiciary	147 Corr & Juv Jus	197 H Judiciary
87 Ethics & Elect	149 H Taxation	198 Commerce
88 Corr & Juv Jus	151 Utilities	199 Assess & Tax
92 Fed & State	152 Fed & State	200 Assess & Tax
94 Transportation	153 Fed & State	201 Fed & State
96 Judiciary	Sub	202 Fin Inst & Ins
97 H Ag Nat & Res	155 H Insurance	203 Judiciary
98 H Judiciary	158 Judiciary	204 Judiciary
99 Transportation	159 H Judiciary	205 Fed & State
100 Fin Inst & Ins	160 Judiciary	207 Commerce
102 Fin Inst & Ins	161 H Appropriations	208 Commerce
103 Fin Inst & Ins	162 Ways & Means	209 Commerce
104 Gen Orders	163 Ethics & Elect	210 Commerce
106 H Com/Labor/Econ	164 Transportation	211 Fed & State
107 Commerce	165 Judiciary	212 Commerce
110 Assess & Tax	166 Fed & State	213 Corr & Juv Jus
111 Corr & Juv Jus	167 Commerce	215 H Taxation
114 Judiciary	168 H Pen & Benefits	Sub
115 Fed & State	169 Agriculture	216 H Corr & Juv Jus
116 Judiciary	Sub	217 Fed & State
118 Natural Res	171 H Taxation	218 Pub H & Wel
119 Agriculture	172 Fin Inst & Ins	219 Gen Orders
121 H Health/Hum Serv	173 Transportation	221 Commerce
122 Pub H & Wel	174 Transportation	222 Corr & Juv Jus
125 H Ag & Nat Res	175 H Gen Orders	223 Fed & State
128 H Judiciary	176 Education	224 H Fed & State
129 Corr & Juv Jus	177 Ethics & Elec	225 Fed & State
130 Fin Inst & Ins	178 Assess & Tax	226 Fed & State
Sub	179 Commerce	227 H Ag & Nat Res
131 H Gen Orders	180 H Health/Hum Serv	229 Judiciary
132 Natural Res	181 H Health/Hum Serv	230 Judiciary
133 H Judiciary	Sub	231 Fed & State
134 Agriculture	182 Gen Orders	232 Gen Orders
135 Assess & Tax	185 Judiciary	233 Assess & Tax
136 H Education	186 Fin Inst & Ins	234 Gen Orders

235 Ways & Means	261 Assess & Tax	288 H Transportation
236 Ways & Means	262 Fed & State	289 Fin Inst & Ins
237 Ways & Means	263 Assess & Tax	291 Assess & Tax
238 Assess & Tax	264 Assess & Tax	292 Assess & Tax
239 H Elections	265 Pub H & Wel	294 Education/ Ways & Means
241 H Appropriations	266 Commerce	(separately)
242 Fed & State	268 Natural Res	295 Corr & Juv Jus
243 Fed & State	269 Natural Res	296 Assess & Tax
244 H Local Gov	271 H Transportation	297 Judiciary
245 H Transportation	272 Assess & Tax	298 Fed & State
246 H Energy & Env	273 Ways & Means	299 Select Com KPERS
247 H Gen Orders	274 H Transportation	300 Ways & Means
248 H Appropriations	275 Natural Res	301 Gen Orders
249 H Appropriations	277 Fed & State	302 Assess & Tax
250 H Appropriations	278 H Gen Orders	304 Fed & State
251 Assess & Tax	279 Fed & State	305 Ways & Means
253 Utilities	280 H Taxation	306 Judiciary
254 Pub H & Wel	281 Assess & Tax	307 Judiciary
255 H Judiciary	282 Fed & State	308 Ways & Means
256 Pub H & Wel	283 Gen Orders	309 Ways & Means
257 Assess & Tax	284 Select Com KPERS	310 Assess & Tax
258 Assess & Tax	285 Pub H & Wel	311 Ways & Means
259 Assess & Tax	286 Assess & Tax	
260 Assess & Tax	287 Assess & Tax	

**SENATE CONCURRENT RESOLUTIONS  
CARRIED OVER TO 2016 SESSION**

1602 Ethics & Elec	1605 Fin Inst & Ins	1606 Gen Orders
1603 Fed & State		

**SUMMARY OF ACTIONS ON SENATE BILLS  
AND SENATE RESOLUTIONS**

**Senate Bills**

Senate bills introduced in the 2015 Session.....	311
Senate bills signed by Governor.....	39
Senate bills vetoed by the Governor .....	1
(H Sub SB 117, Veto Overridden)	
Senate bills line-item vetoed by the Governor.....	1
(H Sub SB 112, Veto Sustained)	
Senate bills killed in Senate .....	19
Senate bills killed in House.....	13
Senate bills carried over to 2016 Session.....	<u>238</u>
Senate bills in Senate Committees.....	162
Senate bills in House Committees.....	54
Senate bills on Senate Calendar.....	15
Senate bills on House Calendar.....	7
Senate bills in Conference Committee.....	0
TOTAL.....	311

**Senate Concurrent Resolutions**

Senate concurrent resolutions introduced in 2015 Session.....	7
Senate concurrent resolutions adopted by both houses.....	3
Senate concurrent resolutions killed in Senate.....	0
Senate concurrent resolutions carried over to 2016 Session.....	<u>4</u>
Senate concurrent resolutions in Senate Committees.....	3
Senate concurrent resolutions on Senate Calendar.....	1
TOTAL.....	7

**Senate Resolutions**

Senate resolutions introduced in 2015 Session.....	54
Senate resolutions adopted.....	54
Senate resolutions killed in Senate.....	0
Senate resolutions that died on Senate Calendar.....	0
Senate resolutions that died in Senate Committees.....	<u>0</u>
TOTAL.....	54

**STATUS OF BILLS AND RESOLUTIONS**

**Senate bills signed by the Governor:** Nos. H Sub 4, H Sub 7, 8, H Sub 11, H Sub 12, 13, 14, 21, 34, H Sub 36, Sub 38, 43, 45, 46, 47, 52, 73, 76, H Sub 91, 95, 101, 105, 108, 109, H Sub 112, 113, 120, 124, 127, 150, 154, 156, 189, 206, 228, 240, 252, H Sub 270, 276, 290

**Senate bills published in Kansas register:** Nos. H Sub 4, H Sub 7, H Sub 11, 14, 21, 109, H Sub 112, 150, 228

**Senate bills vetoed by Governor:** No. H Sub 117

**Senate bills line-item vetoed by Governor:** No. H Sub 112

**Senate resolutions adopted:** Nos. 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 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

**Senate concurrent resolutions adopted by both Houses:** Nos. 1601, 1604, 1607

**Senate bills killed:** Nos. 5, 10, 15, 27, 28, 39, 51, H Sub 54, 68, 70, 72, 74, 77, 78, 82, 84, 89, 90, 93, 123, 126, 142, 148, 157, 170, 183, H Sub 184, 214, 220, 267, 293, 303

**APPOINTMENTS, COMMUNICATIONS, CONFIRMATIONS, MESSAGES  
FROM THE GOVERNOR, SPECIAL EVENTS AND GUESTS  
2015 SENATE JOURNAL**

**APPOINTMENTS**

The Reverend Donald Davidson, of St. David's Episcopal Church, Topeka, to serve as Chaplain of the Senate, page 1.

**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.

**SR 1702**, relating to assignments of seats of the Senate, page 3.

The Reverend Cecil T. Washington, Jr., of New Beginnings Church, Topeka, to serve as Chaplain of the Senate, page 527.

**COMMUNICATIONS FROM STATE OFFICERS**

State of Kansas, Kris W. Kobach, Secretary of State, the following persons were elected members of the Senate of the State of Kansas, District 35, Richard Wilborn; District 37, Molly Baumgardner, page 1.

Secretary of the Senate, Corey Carnahan, has received the following communications during the interim since adjournment of the 2014 Regular Session of the Legislature:

The Kansas Public Employees Retirement System submitted its annual financial report, page 9.

The Kansas Public Employees Retirement System submitted its annual report regarding KPERS investments in Sudan, page 9.

The Kansas Bureau of Investigation and Kansas Highway Patrol submitted their annual report regarding the status of state forfeiture funds, page 9.

The Kansas Department of Corrections submitted a copy of the annual report of the Advisory Group on Juvenile Justice and Delinquency Prevention, page 9.

The Kansas Department of Wildlife, Parks and Tourism submitted its annual Land Acquisition and Lease Renewal Report, page 9.

The Office of the Attorney General submitted its annual report relating to the Kansas Personal and Family Protection Act, page 9.

The Kansas Department of Health and Environment submitted its report on 2014 Inspections and Recommendations for State Children's Institutions, page 9.

The Kansas Department of Labor submitted its report on a Kansas job safety and health programs "State Plan," page 9.

The Pooled Money Investment Board submitted its 2014 annual report, page 9.

The Kansas Corporation Commission submitted the 2015 Abandoned and Gas Well Status Report and the 2015 Remediation Site Status Report, page 10.

Executive Directive No. 14-452, relating to the Kansas Civil Service Pay Plan, page 10.

Executive Directive Nos. 14-453 through 14-456, 14-458, and 14-459 through 14-461; Authorizing Expenditure of Federal Funds and Authorizing Funds, page 10

Executive Directive No. 14-457, authorizing personnel transactions, page 10.

Executive Order 14-05, for governor's reward, page 10.

Executive Order 14-06, policy and procedures applicable to the work related use of mobile devices, page 10.

President Wagle appointed the following members to the Senate Select Committee on KPERS: Senators King (Chair), Longbine (Vice-Chair), Hensley (Ranking Minority Member), Bowers, Denning, Holmes, Kelly, Knox and Masterson, page 10.

Kansas Attorney General Derek Schmidt submitted the fiscal year 2014 annual report of the Abuse, Neglect and Exploitation Unit, page 14.

Kansas Department of Corrections Secretary Ray Roberts submitted the annual report of Crimes Committed by Sex Offenders While in Custody, page 14.

Kansas Board of Pharmacy Executive Secretary Debra Billingsly submitted the annual report on Proposed Controlled Substances for Scheduling, Rescheduling or Deletion, page 15.

Kansas Electric Transmission Authority Chairman Ernest Lehman submitted the annual report of The Kansas Electric Transmission Authority (KETA), page 15.

Deputy Commissioner of Education Dale M Dennis submitted the annual report for the Tax Credit for Low Income Student Scholarship Program, page 18.

2015 Kansas Water Authority Annual Report was submitted by Kelly Freed, Kansas Water Authority, page 24.

Secretary of Corrections Ray Roberts submitted the Cost Study of Youth Residential Centers for Juvenile Offenders, page 24.

Kansas Development Finance Authority President Tim Shallenburger submitted the Annual Financial Report, page 24.

Kansas Department of Labor Secretary Lana Gordon, submitted the 2014 Annual Report, page 32.

Kansas Housing Resources Corporation Executive Director Dennis L. Mesa submitted the 2014 Kansas Housing Resources Corporation Annual Report, page 38.

Kansas Department of Commerce Job Creation Manager Nadira Patrick submitted the Kansas Works, Department of Commerce, Job Creation Program Annual Report, page 52.

Kansas State Treasurer Ron Estes submitted the 2014 Annual Report for the Kansas State Treasurer's Office, page 54.

Kansas Insurance Commissioner Ken Selzer submitted the 2014 Fiscal Year End Report for the Kansas Workers Compensation Fund, page 54.

Kansas Corporation Commission Chair Shari Feist Albrecht, and Utilities Division Director Jeff McClanahan, submitted the 2015 Annual Price Deregulation Report, page 54.

Kansas Corporation Commission Utilities Division Director and Transportation Division Director submitted the 2015 Utilities and Common Carriers Annual Report, page 54.

Kansas Corporation Commission Chair Shari Feist Albrecht, and Utilities Division Director Jeff McClanahan submitted the biennial report regarding Electric Supply and Demand, page 55.

Department of Commerce Deputy Secretary Dan Lara submitted the 2014 STAR Bonds Annual report, page 86.

Department of Administration State LTC Ombudsman Barbara J. Hickert submitted the Long-Term Ombudsman Annual Report for State Fiscal Year 2014, page 86.

Central Interstate Low-Level Radioactive Waste Commission Chair Jon A. Roberts submitted the annual report for fiscal year ending June 30, 2014, page 90.

Kansas Department of Health and Environment Policy Analyst and Legislative Liaison Brianna Landon, submitted the Senator Stan Clark Pregnancy Maintenance Initiative Report, page 94.

Kansas Corporation Commission Chairperson Shari Feist Albrecht submitted the 2015 Rate Impact Report, page 223.

Department of Health and Environment Chair Randy Peterson submitted the 2015 report from the Health Care Access Improvement Panel, page 233.

Kansas Attorney General Derek Schmidt submitted the 2014 Crime Victims Compensation Board Annual Report, page 255.

Kansas Department for Aging and Disability Services Secretary Kari M. Bruffett submitted the Transitional and Conditional Release of Persons Committed to the Sexual Predator Treatment Program Annual Report, page 454.

Kansas Department of Revenue Secretary Nick Jordan submitted the Kansas Enterprise Zone Act Annual Report, page 455.

Kansas Highway Patrol Public and Government Affairs Recruiting, submitted the Kansas Highway Patrol's 2014 Annual Report, page 718.

Kansas Human Rights Commission Executive Director Ruth Glover submitted the Kansas Human Rights Commission Annual Report for Fiscal Year 2014, page 719.

Deputy Commissioner of Education Dale M. Dennis submitted the Statewide Longitudinal Data System (SLDS) Report, page 775.

Kansas Department of Corrections Secretary Ray Roberts submitted the Corrections State Forfeiture Fund for December 2, 2012 through December 1, 2013, page 806.

Kansas Department of Corrections Secretary Ray Roberts submitted the Corrections State Forfeiture Fund for December 2, 2013 through December 1, 2014, page 806.

#### **CONFIRMATION OF APPOINTMENTS**

Consideration of confirmation of appointments, pages 61, 62, 63, 64, 65, 66, 151, 241, 242, 513, 514, 515, 516, 558, 764, 765.

#### **MESSAGES FROM THE GOVERNOR**

Submitting for confirmation, Kari Bruffett, Secretary, Kansas Department for Aging and Disability Services, Lawrence, page 7.

Submitting for confirmation, Gregg Burden, Executive Director, Kansas Commission on Veterans Affairs Office, Topeka; Jerel Wright, Administrator, Department of Credit Unions, Meriden; Zoe Newton, Regent, Kansas Board of Regents, Sedan; Joseph Bain, Regent, Kansas Board of Regents, Goodland; William Fuerborn, Regent, Kansas Board of Regents, Garnett; Ryann Waller, Employment Security Board of Review, Lawrence; Jeffrey Scharping, Kansas Lottery Commission, Wichita; Elizabeth King, University of Kansas Hospital Authority, Wichita; Laura McConwell, Racing and Gaming Commission, Mission; Richard Brunetti, Central Interstate Low-Level Radioactive Waste Commission, Topeka; Casey Lair, Pooled Money Investment Board, Neodesha; and Lewis Levin, Pooled Money Investment Board, Kansas City, page 8.

Submitting for confirmation, Frank Carson, State Banking Board, Mulvane; Linda Wessel, State Banking Board, Council Grove; Jeffrey Whitham, State Banking Board, Garden City; Thomas Pitner, State Banking Board, Hays; and Neal Bernauer, State Banking Board, Fredonia, page 9.

Executive Order No. 43, reorganizing operations at the Kansas Department of Health and Environment and the Kansas Department for Children and Families, page 27.

Submitting for confirmation Kathryn Gardner, Judge, Kansas Court of Appeals, Topeka, page 51.

Executive Order No. 15-01, regarding rescinding certain Executive Orders, page 100.

Executive Order No. 15-02, regarding employment practices for veterans and disabled individuals, page 100.

Submitting for confirmation, Allen Schmidt, State Civil Service Board, Hays; Laura McConwell, Racing and Gaming Commission, Mission; Samantha Angell, State Board of Indigent Defense Services, Salina; Jeffrey Leiker, State Board of Indigent Defense Services, Kansas City, page 114.

Executive Order No. 15-03, regarding creating the Social Services Policy Council, page 150.

Submitting for confirmation, Dr. Susan Mosier, Secretary, Kansas Department of Health and Environment, Lawrence; Major Mark Bruce, Superintendent, Kansas Highway Patrol, Silver Lake; Colonel Jay Selanders, Commander, Kansas Air National Guard, Village of Loch Loyd; Colonel Anthony Mohatt, General Officer, Kansas Army National Guard, Sugar Grove; Casey Lair, State Banking Board, Neodesha; Linda Wessell, State Banking Board, Council Grove; Chris Long, Kansas Public Employees Retirement Board of Trustees, Mission Hills, page 262.

Submitting for confirmation, Roman Rodriguez, State Board of Indigent Defense Services, Wichita, page 369.

Submitting for confirmation, Brandon Jones, Racing and Gaming Commission, Ottawa; Phillis Setchell, State Civil Service Board, Topeka; Charles Sunderland, University of Kansas Hospital Authority, Overland Park; Donald Pendergast, State Banking Board, Dodge City; Donald Linville, Kansas Development Finance Authority, Garden City; Henry Cox, State Civil Service Board, Shawnee; and Jay Emler, Commissioner, Kansas Corporation Commission, Lindsborg, page 602.

### VETO MESSAGE

Veto message regarding **H Sub SB 117**, to overregulate or improperly regulate an emerging industry before the marketplace actors make proper arrangements, page 521.

Veto overridden on **H Sub SB 117**, page 551.

Veto message regarding **H Sub SB 112**, line-item veto pertaining to the Kansas Board of Regents, SGF Transfer to Postsecondary Education Performance – Based Incentives Fund; Sections 142(f) and 143(f) vetoed in their entirety, page 1746.

Veto sustained on **H Sub SB 112**, page 1749.

### SPECIAL EVENTS AND GUESTS

President Wagle introduced the new Reading Clerk, Kendall Kaut, page 1.

The Honorable Marla Luckert, Justice of the Kansas Supreme Court, administered the Oath of Office to the newly elected members of the Senate, page 2

Senator Wilborn introduced his wife, Ann, page 2.

Senator Wagle introduced Dr. Douglas Gruenbacher, 67<sup>th</sup> President of the Kansas Academy of Physicians. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the Capitol during the session, page 3.

Second Lieutenant Don Cackler will again be representing the Kansas Highway Patrol in the Senate, page 13.

Vice President King introduced two new doormen, Oscar Eastman and Sean Dolton, page 13.

Senator Hensley rose on a point of personal privilege to recognize Joe Hefner who had served as a doorman in the Senate for over 30 years, page 13.

Senators Abrams and Arpke congratulated Shannon Ralph, Dodge City, for being named the 2015 Kansas Teacher of the Year and wished her success in the national competition, page 16.

Senators Abrams and Arpke congratulated and commended the regional members of the 2015 Kansas Teacher of the Year team: Beau T. Bragg, Bonner Springs; Abby M. Hedrick, Paola; Jennifer Hofferber, Liberal; Lisa Holt, Winfield; Jamie McDaniel, Paola; Dennis Munk, Haysville; and Kimberly Nelson, Bonner Springs, page 16.

Senator Haley rose on a Point of Personal Privilege to share remarks in remembrance of Doctor Martin Luther King, Jr., page 19.

Senator Jeff Melcher rose on a Point of Personal Privilege to honor Second Lieutenant Justin Lee Sisson of Overland Park, page 42.

In recognition of Kansas Day, President Wagle recognized Senator Abrams to lead the body in the singing of the Kansas State song, Home on the Range, page 48.

Senator Arpke rose on a Point of Personal Privilege to honor winners of the Happy Birthday, Kansas! Discovering Kansas photograph contest: Rylee Schrock and Keegan Griffin, page 48.

Senator Kerschen rose on a Point of Personal Privilege to recognize Micayla Gutierrez who won first place at the statewide level for an essay for "If I Were Mayor, I would..." contest. Guests introduced were Micayla Gutierrez, Landon Gutierrez, Nichole Gutierrez, Robert Gutierrez, Sandy Edwards, Jerry Logabaugh and Cary Miller, page 59.

Senator Kelly commended and congratulated Washburn University in Topeka, Kansas, for their 150<sup>th</sup> Anniversary. Guests introduced were: Dr. Jerry Farley, President; Pam Trusdale, Bill Sneed, Blanche Parks, Juli Ann Mazachek, Dan Hutchins, Cynthia Heath, Julie Olson, Denise Ottinger, Cynthia Hornberger, Amanda Hughes, Cassandra White, Randi McAfee, Blake Porter, Damian Barron, Natasha Martinez and Malcom Mikkelsen, page 86.

Guest chaplain The Reverend Canon George Wiley, Episcopal Diocese of Kansas, delivered the invocation, page 92.

Senator Kerschen introduced guests of the Multiple Sclerosis Awareness Day at the Capitol, February 10, 2015. They included Dr. Sharon Lynch, Brent Kirkhart, Courtney Eiterich and Marcellene Dover, page 95.

Senator McGinn rose on a Point of Personal Privilege to introduce Abbey Pomeroy, reigning Miss Rodeo Kansas 2015, page 98.

Senator O'Donnell honored Frederick L. Simon, for his service in the U.S. Army and the success of Freddy's Frozen Custard & Steakburgers. Guests introduced were Freddy Simon, Randy Simon, Bill Simon and Sally Simon, page 118.

Senator Kerschen congratulated and commended the Kansas State University Crops Team on winning the Collegiate Crops Contest Championship. Guests introduced were Dr. Kevin Donnelly, Sam Knauss, Tyler Kerrs, Ben Coomes, Samantha L'Ecuyer, Michaela Simmelink, Katrina Sudbeck, Jeri Sigle, Hayden Guetterman and Kim Kerschen, page 123.

Senator King congratulated the Independence Lady Bulldogs tennis team on winning their 5<sup>th</sup> State Championship and commending Coach Ken Brown on his retirement. Senators honored the team and coaches, page 126.

Senator Kelly rose on a Point of Personal Privilege to honor and introduce four Robinson Middle School students from Topeka: Tehya Bush, Alejandro Esparza, Noah Bush and Jessica Widow, who helped save a man's life. Other guests introduced were Ann Bush, Anthony Bush, Maribel Heirrich, John Heirrich, Maria Chacon, Tinya Widow, Christina O'Brian, Temmy Hazelton, Todd Berry, Tammy Hazelton, Todd Berry and Dr. Julie Ford, page 134.

Senator O'Donnell recognized the 44<sup>th</sup> Wichita Riverfest. Guests introduced included Ron Ryan, Renae Ryan, Todd Johnson, Chris Goebel, Rigby Carey, Bob Dool, Mary Eves, Mary Beth Jarvis and Brenda Johnson, page 150.

Senator Faust-Goudeau commended the Firefighters of Kansas for their outstanding service, page 156.

Senator Tyson rose on a Point of Personal Privilege to introduce Paul Bean, Lisa Johnson, and Lucky Defries, representing Ottawa University's 150<sup>th</sup> Anniversary, page 171.

Senator Ostmeyer rose on a Point of Personal Privilege to announce the birth of his 19<sup>th</sup> grandchild, Jonathan Douglas Ostmeyer, who was born on March 4, 2015, page 222.

Guest chaplain Reverend Kent Otott, Executive Director, North Central Kansas Teens for Christ, delivered the invocation, page 224.

Senator Hensley recognized Cary Stahly, Anna Kennedy, Jamie Andres, Frank Henderson, Mike Mathes, Jeff Zehnder, Emory Dease, Ryan Simpson, Sarah Brinkley, Ron Vinduska, Marilyn Rigsby, Darcie Guerrero, Anna Reb, David Liston, Dewayne Christensen, Danette Meinholdt, Stacy Colhour, Josie Price and Andrew Ralston, of the Seaman High School Marching Band, for their performance at the Valero Alamo Bowl Pre-Game Show, page 229.

Senator Love rose on a Point of Personal Privilege to thank Dee Likes, on a tremendous career serving as the CEO of the Kansas Livestock Association for 30 years, and Steve Baccus, on his retirement as President of Kansas Farm Bureau for 12 years, page 232.

Senator Holland introduced the 2015 Kansas Small Businesses of the Year, page 236.

Senator Faust-Goudeau introduced guests Mildred Edwards, James Barfield, Lydia Santiago, Shukura Bakari-Cozari, Deltha Colvin, Herecilia Thompson, Wade Robinson, Mulubrhan Negash, Maritza Machado-Williams, Rebecca Dukstein, Mike Conley, Carly Cooper, Absulaziz Abdulazia, Lisa Wills and Ladonna Williams for Kansas TRIO Day, page 237.

Guest chaplain Reverend Kent Little, College Hill United Methodist Church, Wichita, delivered the invocation, page 240.

Senator Powell introduced guests Dr. Herbert Swender, Dr. Joel Erskin, Debra Atkinson, Tori Dreyer, Dr. Lesta Swender, Patrick Swender, Debbie Askinson, Bob Murray and Melvin Neufeld, for Garden City Community College being named College of the Year for 2014, page 240.

Senator O'Donnell commemorated the 90<sup>th</sup> Anniversary of the Junior League of Wichita. Guests present included: Patty Armstrong, Denise Bandemer, Trinh Bui, Julie Buth, Megan Camille Dillehay, Macaela Harris, Melissa Hebb, Charissa Jarboe Gale, Martha Linsner, Cindy Miles, Jessica Strog, Jessica Suhr, Kathy Sweeney, Tina Trosper, Jeannette Clement, Kelly Bryant, and Prisca Barnes, page 249.

Guest chaplain Reverend Chris Halverson, who served as the Acting Chaplain of the United States Senate from 1992 to 1995, delivered the invocation, page 261.

Senator Arpke commended the ministers, pastors, priests and rabbis of Kansas. Guests present included: the Reverends David Buller, Garrett Geesling, Paul Roeth, Cheyenne Oller, Maley Black, Paige Soellner, Tiffany Carroll, Calley Russell, Jimmy Russell, Cordell Fisher, Nate O'Rourke, Greg Rickard, Jana Rea, Ken Ediger, Rachel Ediger, Brian Ma, Dick Unruh, Carol Unruh, Ken Isaac, Dianne Isaac, Caleb May, Sarah May and Ken Harder, page 266.

Guest chaplain Reverend Trevor Jacobs of Jesus Saves Ministries, delivered the invocation, page 293.

Senator Faust-Goudeau recognized members of Delta Sigma Theta Sorority, Inc. Guests present included Carly Cooper, Daphne Maxwell, Barbara Wright, Montika Allen-Arkinson, Trudy Baker, Lula McCray, Tami Farr Smith, Stephanie Bullard-Nurse, Bernice Bullard, Breada Burkhalter, Donna Douglas, Emile McGill, Dr. Mildred Edwards, Krista Hill Combs, MaKayla Harding, Marygrace Mba and Kerisha Broadus, page 294.

Guest chaplain Patrick Cobb, Deputy Staff Chaplain for the United States Disciplinary Barracks, Ft. Leavenworth, KS, offered the invocation in recognition of Armed Forces Appreciation Day, March 26, page 379.

Senator Holmes rose on a Point of Personal Privilege to introduce members of the St. John Tigers basketball team. Members of the team and their managers and coaches were: Gera Calieros, Quincy Smith, Ryan Woodward, Cole Kinnamon, Braden Witt, Triston Long, Sammy Ramirez, Eddy Ibarra, Mario Ibarra, Joel Ibarra, Jeremy Crockett, Derek Hacker, Chase Fisher, Keven Neri-Leon, Dean Wade, Jacob Milton, Jorge Calleros, Alexis Valenzuela, Connor Engel, Nathan Ward, Nick Schwein, Christy Garcia, Alexis Moss, Audrey Mercer, Tara Kinnamon, Clint Kinnamon, Mike Burgan and Kurt Fairchild, page 411.

Senator Lynn rose on a Point of Personal Privilege to introduce residents visiting the Capitol from Covenant Place Retirement Center in Lenexa. Guests introduced included: Mary Beth Lynn, Activities Director, Kimberly Ponce, Marian Strouse, Olive Behmke, Janet Anderson, Merlin Anderson, Eldon Erickson, Nyona Erickson and Orris Crum, page 411.

Senator Schmidt introduced guests present for Congenital Diaphragmatic Hernia Awareness Day. They included Tera Linenberger, David Linenberger and their son Noah Linenberger, Megan Skaggs and William Skaggs III, page 417.

Senator Faust-Goudeau rose on a Point of Personal Privilege to introduce guests in the Capitol celebrating Kansas Literacy Day. Guests introduced included: Prisca Barnes, Sandra Barnes, Mary Barnes, Evelyn Williams, Dr. Mildred Edwards, Linda Baldtrip, Jean Pouncil-Burton, Jesse Barnes and Carly Cooper, page 454.

Guest chaplain Reverend Michael McCrick, Preaching Minister at First Christian Church, Plainville, Kansas, delivered the invocation, page 521.

Senator Holland introduced and congratulated the Baldwin High School wrestling team on winning the 2015 Class 4A State Wrestling Championship, page 522.

Senator Petersen introduced and congratulated the Wichita South High School women's basketball team on winning the Class 6A state championship for 2015, page 523.

Senator Ostmeyer introduced and congratulated the Hoxie High School women's basketball team on winning the 2015 Class 1A State Championship, page 524.

Senator Bowers rose on a Point of Personal Privilege to introduce two guests visiting the Capitol: Senator Diane Allen from New Jersey, who is the current board chair of the National Foundation for Women Legislators, and Jody Thomas, page 527.

Senator King congratulated and commended the Erie High School Chess Team and coach on winning the Kansas Scholastic State Chess Championship two years in a row, page 528.

Senators Lynn and Olson honored Vanya Shivashankar of Olathe, Kansas, for winning the national "Child Genius" competition, page 529.

President Wagle rose on a Point of Personal Privilege to introduce Senator Phil Nicholas, President of the Wyoming Senate, and his wife Karen, page 534.

Senator Francisco congratulated and introduced guests of the University of Kansas' graduate programs in speech, language and hearing. Guests were: Dr. Holly Storkel, Dr. John Ferraro, Dr. Richard Schiefelbusch, Dr. Jane Wegner, Dr. Susan Jackson, Kris Pedersen, Betty Bunce, Severena Popejoy and Kelsey McCoy, page 535.

Senator Kelly commemorated the 100<sup>th</sup> Anniversary of Wamego Health Center in Wamego, Kansas. Guests introduced were: Shannon Flach, Deb Kiker, Kristen Cottam, Dr. William Ditto, Dwight Faulkner, Merl Page and Kerry Whearty, page 537.

Senator Longbine congratulated and commended the 2015 Kansas Master Teachers. Guests introduced were Barbara Clark, Kori Green, Leslie McAfee, Bill McFarland, Reed Uthe, Ginger Whiteside Steck and Lucie Eusey, page 564.

Senator Lynn congratulated and honored the guests of the Olathe Public Schools ProStart Culinary Team for winning first place at the 2015 National ProStart Invitational, page 567.

Senator Wolf congratulated and honored the guests of the Shawnee Mission East High School men's swimming and diving teams on winning the Kansas State Swimming and Diving Championship, page 568.

Senator Holland congratulated and honored the Tonganoxie High School Science Olympiad Team on winning its first state championship on April 4, 2015. Guests introduced were: Christine Biel, Coach; Tracey Waldeier, Coach; Mark Farrar, Principal. Team members: Brad Andrews, Nathan Bothwell, Jack Crow, Makayla Dajani, Spencer Finkbiner, Garrett French, Nick French, Danielle Irwin, Joshua Lingo, Monica Maurer, Anahi Puebla, Grace Reilly, Sierra Staatz, Ethan Sandburg, Jacob Tollefson and Allison Williams, page 600

Senator Masterson congratulated and commended Dahlia Crook for her national archery accomplishments. Guests introduced were Dahlia Crook, Tammi Crook, Matthew Crook and Rachel Crook, page 601.

Senator Petty congratulated and commended the Kansas recipients of the 2015 Gates Millennium Scholarship. Guests introduced were Latrina Patterson, Nikki Ramirez-Jennings, Marie Carter, Nikki Meier, Angela Locke, Emily Caryl, Dr. Linda Wiley and Fr. Julie Ford, page 605.

Senator Powell recognized Mario Ortego as a Bill Gates Millennium Scholar, one of 1,000 recipients across the nation for 2015, page 606.

Senator Arpke commemorated the designation of October 14, 2015, as Eisenhower Day. Guests introduced were Meredith Sleichter, Mack Teasley, Inge Teasley, Mitzi Gose and Tim Holm, page 607.

Senator McGinn rose on a Point of Personal Privilege to introduce her administrative assistant, Rita Hamman, who is retiring after 15 years of legislative service, page 671.

Senator Schmidt congratulated and commended Dr. Brenda S. Dietrich for her more than 40 years of dedicated service in education upon her retirement from Auburn-Washburn School District. Guests were Dr. Dietrich and her daughter, Lauren, page 672.

Senator McGinn introduced guests Peggy Blumhagen, Kathy White and Ila Hutely recognizing Tick-Borne Disease Awareness Month, page 725.

President Wagle recognized Kendall Kaut, Senate Reading Clerk, on his last day in the Senate, page 759.

Senator Schmidt congratulated and commended Andy Tompkins for his many years of service to the people of Kansas, page 787.

President Wagle rose on a Point of Personal privilege to introduce her parents, Willard and Linda Kratz visiting the Capitol from Larksfield Place in Wichita. Others present included David Stuart, Marilyn Cross, Helen Fanning, Bob Ralstin, Mary Brown, Kathryn Cox, Fred Winnai, Louise Winnai, Richard Hoyer, Susan Oneth, Jeremy Gingerich, Judy Thompson, Cindy Woods and Maralee Rounds, page 802.

Guest chaplain Reverend Chris Halverson, Topeka, page 816.

Guest chaplain Pastor Gary Roten, interim pastor at Emmanuel Baptist Church in Topeka, who delivered the invocation, page 1070.

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- SB 68 Designating the George Ablah expressway and Kenneth W. Bernard memorial highway.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.

- SR 1715 Honoring native Kansan, Frederick L. Simon, for his service in the U.S. Army and the success of Freddy's Frozen Custard & Steakburgers.
- SR 1718 Recognizing the 44th Wichita Riverfest.
- SR 1719 Commending the firefighters of Kansas and observing the month of October as Firefighter Appreciation Month.
- SR 1722 Recognizing the Kansas Small Business Development Center's 2015 Businesses of the Year.
- SR 1725 Commemorating the 90th Anniversary of Junior League of Wichita.
- SR 1726 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1729 Congratulating and commending Mayor Carl Brewer for his outstanding leadership and record of service to the city of Wichita.
- SR 1732 Congratulating the Wichita South High School women's basketball team on its class 6A state championship.
- SR 1746 Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.
- SR 1752 Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.

### **Olson, Robert**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SR 1726 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1737 Congratulating and commending Vanya Shivashankar of Olathe, Kansas, for winning the national "Child Genius" competition.
- SR 1742 Congratulating and commending the Olathe Public Schools ProStart Culinary Team for winning first place at the 2015 National ProStart Invitational.
- SR 1746 Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.
- SR 1752 Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.

### **Ostmeyer, Ralph**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.

- SR 1722 Recognizing the Kansas Small Business Development Center's 2015 Businesses of the Year.
- SR 1726 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1733 Congratulating the Hoxie High School women's basketball team on winning the 2015 Class 1A State Championship.
- SR 1734 Congratulating the Sharon Springs boys' basketball team on winning the Class 1A Division II State Championship.
- SR 1735 Congratulating the Norton Community High School wrestling team on winning the 2015 Class 3-2-1A State Wrestling Championship.
- SR 1746 Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.
- SR 1749 Congratulating and commending Hays High School for winning the 4A state championship at the Kansas Scholastic Press Association state journalism contest.
- SR 1750 Congratulating and commending St. Francis Community High School for winning the 1A state championship at the Kansas Scholastic Press Association state journalism contest.
- SR 1752 Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.

**Petersen, Mike**

- SB 11 Regulated scrap metal; crime of theft and related sentencing provisions; regulation of scrap metal dealers, including unlawful acts and penalties.
- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 68 Designating the George Ablah expressway and Kenneth W. Bernard memorial highway.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SR 1718 Recognizing the 44th Wichita Riverfest.
- SR 1722 Recognizing the Kansas Small Business Development Center's 2015 Businesses of the Year.
- SR 1725 Commemorating the 90th Anniversary of Junior League of Wichita.
- SR 1726 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1732 Congratulating the Wichita South High School women's basketball team on its class 6A state championship.
- SR 1746 Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.
- SR 1752 Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.

**Petty, Pat**

- SB 80 Enacting the Kansas working families pay raise act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 163 Governmental ethics; two-year restriction on lobbying by former elected and appointed state officials.
- SB 199 Income tax credit for expenses paid for household and dependent care services necessary for gainful employment.
- SB 200 Earned income tax credit increased.
- SB 208 Directing the secretary of administration to study whether public employers engage in wage discrimination on the basis of sex.
- SB 209 Repealing the prohibition against agencies and municipalities requiring contractors to enter into certain labor agreements for public works construction projects.
- SB 210 Requiring employment of Kansas workers for certain state contracts and tax incentives.
- SR 1722 Recognizing the Kansas Small Business Development Center's 2015 Businesses of the Year.
- SR 1726 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1746 Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.
- SR 1747 Congratulating and commending the Kansas recipients of the 2015 Gates Millennium Scholarship.
- SR 1752 Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.

**Pilcher-Cook, Mary**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SR 1726 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1746 Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.
- SR 1752 Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.

**Powell, Larry**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.

- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SR 1711 Endorsing the twenty-sixth anniversary of sister state relations with the Republic of China (Taiwan), Taiwan's participation in the Trans-Pacific Partnership (TOO) and the United Nations Framework Convention on Climate Change (UNFCCC) and Taiwan's participation as an observer in the International Civil Aviation Organization (ICAO).
- SR 1716 Congratulating the Kansas State University Crops Team on winning the Collegiate Crops Contest Championship.
- SR 1724 Congratulating and commending Garden City Community College for being named College of the Year for 2014 by the Rural Community College Alliance.
- SR 1726 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1746 Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.
- SR 1747 Congratulating and commending the Kansas recipients of the 2015 Gates Millennium Scholarship.
- SR 1752 Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.

#### **Pyle, Dennis**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SR 1726 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1746 Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.
- SR 1752 Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.

#### **Schmidt, Vicki**

- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SR 1708 Commemorating the 150th Anniversary of Washburn University in Topeka, Kansas.
- SR 1709 Designating February 10, 2015, as Multiple Sclerosis Awareness Day at the Capitol.
- SR 1722 Recognizing the Kansas Small Business Development Center's 2015 Businesses of the Year.
- SR 1726 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.

- SR 1728 Designating March 31, 2015, as Congenital Diaphragmatic Hernia Awareness Day.
- SR 1732 Congratulating the Wichita South High School women's basketball team on its class 6A state championship.
- SR 1740 Congratulating and commending the 2015 Kansas Master Teachers.
- SR 1746 Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.
- SR 1748 Commending Dr. Brenda S. Dietrich on her retirement in 2015.
- SR 1752 Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.

**Smith, Greg**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SR 1726 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1743 Congratulating the Shawnee Mission East men's swimming and diving team on winning the Kansas State Swimming and Diving Championship.
- SR 1746 Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.
- SR 1752 Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.

**Tyson, Caryn**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SR 1716 Congratulating the Kansas State University Crops Team on winning the Collegiate Crops Contest Championship.
- SR 1720 Commemorating the 150th Anniversary of Ottawa University in Ottawa, Kansas.
- SR 1726 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1746 Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.
- SR 1752 Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.

**Wagle, Susan**

- SB 68 Designating the George Ablah expressway and Kenneth W. Bernard memorial highway.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SCR 1601 Committee to inform governor that the two houses of the legislature are duly organized and ready to receive communication.
- SCR 1604 Adjournment of legislature for a time during the 2015 session.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1607 Adjournment of the 2015 regular session of the legislature.
- SR 1701 Organization of the Senate, 2015.
- SR 1702 Assignment of seats in Senate, 2015.
- SR 1703 Changes to the rules of the Senate for 2013-2016.
- SR 1718 Recognizing the 44th Wichita Riverfest.
- SR 1725 Commemorating the 90th Anniversary of Junior League of Wichita.
- SR 1726 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1732 Congratulating the Wichita South High School women's basketball team on its class 6A state championship.
- SR 1746 Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.
- SR 1752 Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.

**Wilborn, Rick**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SR 1716 Congratulating the Kansas State University Crops Team on winning the Collegiate Crops Contest Championship.
- SR 1726 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1746 Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.
- SR 1752 Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.

**Wolf, Kay**

- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SR 1726 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.

- SR 1740 Congratulating and commending the 2015 Kansas Master Teachers.
- SR 1743 Congratulating the Shawnee Mission East men's swimming and diving team on winning the Kansas State Swimming and Diving Championship.
- SR 1746 Encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.
- SR 1752 Congratulating and commending Andy Tompkins for his many years of service to the people of Kansas.

**State Legislature, Senate Committees  
(Various)**

*Agriculture*

- SB 46 Identification of domesticated deer.
- SB 134 Amendments to the Kansas noxious weed law.
- SB 169 Making the channel cat fish the official fish of the state of Kansas.
- SB 189 Animal care; institutional license to practice veterinary medicine; veterinary training program for rural Kansas; Kansas pet animal act, euthanasia regulations.
- SB 217 Allowing farm wineries to sell wine at more than one farmers' market.

*Assessment and Taxation*

- SB 29 Removal of community improvement district sales tax administration fund aggregate cap.
- SB 30 Electronic filing of mineral severance tax returns required.
- SB 31 Permitted use of tax information in certain tax actions and proceedings; tax liens upon personal property; tax warrants; time for returns and payment of tax; liability for persons responsible for collection of sales or compensating tax.
- SB 42 Governmental ethics; public funds used for lobbying; reporting.
- SB 186 Regulation of transportation network company services.
- SB 187 Extending the student loan payment program and income tax credit for rural opportunity zones for six years.
- SB 188 Publication requirements under the Kansas uniform financial accounting and reporting act.
- SB 212 Strengthening protection of public employee paychecks.
- SB 233 Increasing rates of taxation on cigarettes, tobacco products and alcoholic beverages.
- SB 234 Providing a tax amnesty from the payment of all penalties and interest with respect to unpaid taxes or taxes due and owing; relating to privilege, income, sales, excise and certain other taxes.
- SB 238 Homestead property tax eligibility for armed forces service-connected disability.
- SB 251 Reducing amount and limiting credit to tax liability of taxpayer of the Kansas earned income tax credit.
- SB 257 Ten-year limit on property tax exemption for renewable resources or technologies.
- SB 258 Eliminating property tax exemption from statewide school levy for property used for residential purposes to the extent of \$20,000 of its appraised valuation.
- SB 259 Computation of amount of personal property tax on motor vehicles.

- SB 260 Modifications to Kansas adjusted gross income relative to passive income for Kansas income tax purposes.
- SB 261 Imposing sales tax on sales of gas, electricity, heat and other fuel sources for production of heat and lighting for residential premises and agricultural use.
- SB 263 Providing a sales tax exemption for fresh fruit and vegetables upon adoption of necessary amendments to the streamlined sales and use tax agreement.
- SB 264 Eliminating sales tax exemption for farm machinery and equipment.
- SB 270 Providing for a sales and compensating use tax rate of 6.85% and a rate of 5.9% on food; eliminating certain itemized deductions; decreasing the rate of tax on resident individuals; tax amnesty.
- SB 271 Exception from height and length vehicle limitations for forage cutters and custom harvesters.
- SB 272 Income tax deduction for net gain on the sale of Christmas trees.
- SB 274 Creating the seat belt safety fund; increasing the fine for adult seat belt violations; allowing persons to operate sailboat after completing instruction led class.
- SB 279 Selection of delegates to an article V convention of the states.
- SB 286 Requiring social security numbers for tax credit eligibility.
- SB 287 Making refundable income tax credits nonrefundable.
- SB 291 Providing sales tax exemption for certain purchases by hope ranch for women inc. and contractors providing services thereto.
- SB 294 Creating the education finance act of 2015; making and concerning appropriations for fiscal year ending June 30, 2016, for the department of education.
- SB 296 Making the 2015 income tax rates permanent and having the tax rate reduction become effective.
- SB 299 Providing working after retirement requirements for certain KPERS retirants who return to work with covered employers including benefit and contribution provisions while extending current sunset for teachers to July 1, 2016.
- SB 302 Statewide excise tax levy of \$3 per acre on the ownership of real property for the purpose of school finance.
- SB 308 Legislative compensation and subsistence limited to May 22, 2015.
- S Sub
- HB 2109 Providing for a sales and compensating use tax rate of 6.5% and a rate of 6.0% on food; eliminating certain itemized deductions; tax amnesty; creating the payroll credit; cigarettes and tobacco products tax rates; motor fuel tax rates; computation of amount of personal property tax on motor vehicles.

### *Commerce*

- SB 83 Distance prohibitions and spacing requirements for wells.
- SB 84 Cities; rehabilitation of abandoned property; definitions, other.
- SB 106 Real estate brokers and salespersons; licensing requirements; sale transaction requirements.
- SB 107 Public entities expenditures for energy projects intended to reduce energy costs.
- SB 108 Real estate brokers and salespersons; license fees; education; applicants; prohibited acts; transaction representation.
- SB 154 Amending unemployment insurance benefits determination; employer classification and contribution rates.

- SB 167 Workers compensation use of American medical association guides to the evaluation of permanent impairment.
- SB 190 Allowing persons to operate sailboat after completing instruction led class.  
S Sub
- HB 2096 Public employees concerning public employer-employee relations act and deductions from wages.

*Corrections and Juvenile Justice*

- Sub
  - SB 18 Making certain law enforcement audio and video recordings confidential and exempt from the open records act.
  - SB 20 Increasing criminal penalties for residential burglary.
  - SB 53 Relating to principles of criminal liability; liability for the crimes of another.
  - SB 70 Background checks and licensure of teachers; background checks for school employees with direct contact with students.
  - SB 89 Requiring county and district attorneys to report certain criminal and juvenile offender caseload information.
  - SB 90 Licensure of bail enforcement agents by the attorney general.
  - SB 111 Correctional supervision fee; correctional supervision fund.
  - SB 128 Creating an exception to the Kansas open records act for municipal judges, city attorneys and certain special assistant attorneys.
  - SB 129 Reports of abuse or neglect concerning children and certain adults.
  - Sub
    - SB 131 Relating to peer support counseling sessions; confidentiality of communications.
    - SB 194 Creating the Kansas public school security act.
    - SB 213 Amendments to inherently dangerous felony list.
    - SB 214 Creating a civil remedy statute for human trafficking victims; specifying restitution measures for such victims and directing certain restitution to the human trafficking victim assistance fund; changing statutory references to the crimes of human trafficking and commercial sexual exploitation of a child.
  - Sub
    - SB 216 Creating the Kansas school security act.
  - S Sub
    - HB 2056 Licensure of bail enforcement agents by the attorney general.

*Education*

- SB 32 Requiring school district and state department of education audits; creating the efficient operation of schools task force.
- SB 33 Creating the Kansas education standards study commission.
- Sub
  - SB 60 Authorizing participation by less than full-time students in activities regulated by Kansas state high school activities association.
  - SB 93 Career technical education performance-based funding requirements.
  - SB 136 Amending the professional negotiations act.

SB 137 Education; amendments to the school district finance and quality performance act; the virtual school act; the student data privacy act; and the tax credit for low income student scholarship program act.

S Sub

HB 2326 Amending the professional negotiations act.

*Ethics and Elections*

SB 26 Campaign finance; use of campaign contributions for certain expenses of spouses.

SB 27 Campaign finance; use of campaign funds; increased exemption amount certain for candidates; contributor information; lobbyist filings.

SB 28 Lobbyist defined.

SB 41 Uniformed and overseas citizens absentee voting act; out of state college students.

SB 77 Governmental ethics commission fees.

SB 78 Campaign finance; legislators filing report electronically.

SB 79 Electronic publication of propositions to amend the constitution.

SB 165 Open meetings, statements required regarding a closed or executive meeting; amending K.S.A. 75-4319.

SB 171 Elections; municipalities and special districts; spring to fall; other changes.  
Sub

SB 171 Municipal and special district elections, nonpartisan, spring to fall; even-numbered years, cities and schools; odd-numbered years, special districts.

*Federal and State Affairs*

SB 24 Technical professions act; definitions clarification.

SB 25 Firearms; background checks; gun shows.

SB 60 Participation by homeschooled students in activities regulated by the Kansas state high school activities association.

SB 61 Kansas lottery; sale of tickets; advertising; underage purchase of ticket prohibited.

SB 62 State fire marshal; search and rescue teams and hazardous materials response teams; tort claims immunity; emergency response fund.

SB 63 Cities; land banks; municipalities may defer or reamortize special assessments.

SB 64 Public water supply storage; interest rate change.

SB 65 Carrying of concealed handguns by public employees while engaged in employment.

SB 66 Personal and family protection act; regulating concealed carry in portions of public buildings.

SB 67 Development and establishment of K-12 curriculum standards.

SB 85 Length of regular legislative session in odd-numbered years.

SB 86 Kansas transparency act.

SB 87 Secretary of State; political action committees prohibited.

SB 88 Law enforcement officers; training requirements; mentally ill persons.

SB 92 Legislators compensation; per diem pay limited.

SB 99 Creating an exception to maximum vehicle length requirements for custom harvesters.

- SB 115 Saving communities amendments to the personal and family protection act.
- SB 116 Expungement of DUI diversions and misdemeanor convictions; removing diversions from habitual violator considerations.
- SB 131 Law enforcement officer, corrections officer bill of rights.
- SB 132 Amending statutes concerning dangerous regulated animals.
- SB 152 Alcoholic liquor; dispensing liquor and infusing flavor.
- SB 153 Exempting public libraries from certain provisions of the personal and family protection act.
- SB 166 Rule of law restoration act; immigration.
- SB 192 Kansas expanded lottery act; racetrack gaming changes.
- SB 203 Cigarette and tobacco products acts, amendments; authorizing governor to enter into compacts with native american tribes.
- SB 204 Protecting the total amount of time for visitation granted to a person under the revised Kansas code for care of children.
- SB 205 Regional system of cooperating libraries; appointment board members.
- SB 206 Powers and duties of the insurance commissioner and attorney general relating to the vision care services act.
- SB 207 Prohibiting retaliation or discrimination by an employer against a parent for taking time off to attend certain court proceedings involving children.
- SB 211 Technical professions; scope of practice.
- SB 216 Investigation and review of deaths involving law enforcement officers act.
- SB 223 Legislative sessions.
- SB 224 Emergency medical services board authority to impose fines, investigate and issue subpoenas.
- SB 225 Interstate compact for recognition of emergency personnel licensure.
- SB 226 Emergency medical services amendments.
- SB 231 Policing cooperation; Wichita and Wichita state university.
- SB 232 Lien filings against public officials; prohibitions; notice; criminal penalties.
- SB 239 Presidential preference primary requirement repealed; recognized political parties required to select presidential nominee.
- SB 240 State banking code and the state banking commissioner.
- SB 252 Relating to the unlawful abuse of toxic vapors.
- SB 253 Renewable energy standards act sunset.
- SB 255 Amendments relating to the sale of cigarettes and tobacco products.
- SB 256 Kansas department for children and families; eligibility requirements for public assistance.
- SB 262 Charitable gaming; regulation of bingo and raffles.
- SB 266 Redefining tenant and rental agreement under the residential landlord and tenant act.
- SB 267 Exclusion of fantasy sports leagues from the crime of gambling.
- SB 277 Authorizing microbreweries to manufacture and sell hard cider and mead.
- SB 278 Cowley county; official stone bridge capital of the state of Kansas.
- SB 280 Sales tax authority for Thomas and Bourbon counties for constructing or remodeling county jail, law enforcement center, courthouse or other county facility.
- SB 281 Sales tax exemption for certain mobility enhancing equipment.
- SB 288 Updating endorsement codes for commercial driver's licenses.
- SB 293 Land exchange; Pittsburg state university and Pittsburg, Kansas.
- SB 295 Sentence conversion for certain persons convicted of attempt to commit murder in the second degree.

- SB 298 Alcoholic beverages; enacting the county option retailer's act.  
S Sub
- HB 2074 Kansas expanded lottery act; racetrack gaming; county fair association racing; prizes subject to state debt setoff.  
Sub
- HB 2155 Charitable gaming; bingo and raffles regulation; lottery; sale of tickets; fantasy sports.  
S Sub
- HB 2228 Abortion; administration of abortifacient drugs.

*Financial Institutions and Insurance*

- SB 47 Establishing principle-based reserves and updating the standard nonforfeiture law for life insurance companies.
- SB 54 Updating methods of mailing notice of termination of coverage of motor vehicle liability insurance policies.
- SB 55 Increasing the cap on consulting fees for financial examinations and the high risk pool financial examination period.
- SB 75 Amending the patient protection act to prohibit the use of certain provisions in agreements.
- SB 76 Requiring certain insurers and insurance groups to maintain a risk management framework through an internal risk self-assessment.
- SB 100 Amending certain provisions of the UCCC relating to consumer loan definition and certain finance charges.
- SB 101 Health care provider insurance availability act; definitions; self-insurance; health care systems.
- SB 102 Access to opioid analgesics with abuse-deterrent properties.
- SB 103 Pharmacy benefits managers limitations on activities.
- SB 117 Allowing certain health care providers and health care systems to qualify to become self-insurers through the health care stabilization fund.
- SB 130 Establishing a new type of installment loan.
- SB 143 Allowing the assignment of dental insurance benefits.
- SB 144 Affidavit requirement of surplus lines broken changed to signed statement.
- SB 145 Nonadmitted insurers authorized to write excess coverage on Kansas risks.
- SB 155 Surplus lines insurance definitions and gross premiums tax.  
Sub
- SB 155 Amending certain requirements, definitions and gross tax on premiums of surplus lines insurance; repealing SLIMPACT.
- SB 202 Enacting a cap on patient fees for a 30-day supply of any prescription drug for certain health plans.

*Judiciary*

- SB 12 Civil commitment of sexually violent predators.
- SB 13 Allowing victim notification on status change of person confined.
- SB 14 Relating to the criminal justice information system line fund.
- SB 15 Creating a dispositive motion fee in civil actions.
- SB 16 Attorney fees in certain actions.
- SB 17 Judicial council membership.
- SB 18 Enacting the police and citizen protection act; relating to use of body cameras by law enforcement officers.

- SB 19 Electronic service of order or notice under the Kansas administrative procedure act and the Kansas judicial review act.
- SB 22 Municipal court; notice of expungement of certain records and notice of disposition of appeals.
- SB 23 Authorized restrictions of driving privileges; ignition interlock device.
- SB 34 Penalties for voting crimes; prosecution of election crimes.
  - Sub
- SB 38 Bad faith assertions of patent infringement.
- SB 44 Docket fees; electronic filing and management fund.
- SB 51 Relating to court fees and costs; judicial branch surcharge fund; docket fees; electronic filing and management fund.
- SB 56 Removing affirmative defense to promotion to minors of material harmful to minors for public, private or parochial schools.
- SB 57 Kansas power of attorney act.
- SB 58 Kansas judicial review act; venue.
- SB 59 Clarifying district magistrate judge jurisdiction.
- SB 74 Relating to drivers' license reinstatement fees.
- SB 104 Courts; use of two-way electronic audio-visual communication.
- SB 105 Enacting updates to the uniform interstate family support act (UIFSA 2008).
- SB 112 Appropriations for FY 2015, FY 2016, FY 2017, FY 2018, and FY 2019 for various state agencies; capital improvement projects; claims against the state.
- SB 113 Creating a civil remedy statute for human trafficking victims; specifying restitution measures for such victims and directing certain restitution to the human trafficking victim assistance fund; changing statutory references to the crimes of human trafficking and commercial sexual exploitation of a child.
- SB 114 Birth certificate amendments; charge for non-judicial personnel.
- SB 133 Possession or consumption of alcoholic beverage by minor; immunity from criminal prosecution for minor seeking medical assistance.
- SB 140 Relating to the forfeiture of appearance bonds.
- SB 146 Racial profiling data collection and reporting requirements.
- SB 147 Creating the community defense act; regulation of sexually oriented businesses.
- SB 148 The safe families act.
- SB 149 Civil commitment of sexually violent predators.
- SB 157 Specifying that the child in need of care code does not permit any person to compel a parent to medicate a child if the parent is acting in accordance with medical advice from a physician.
- SB 158 Establishing a CARE family program for foster care.
- SB 159 Enacting the safe families act; power of attorney for care and custody of a child; also requiring a law enforcement officer to take a child into custody when there is a drug crime occurring in the child's residence and such crime threatens the safety of the child.
- SB 160 Requiring action by a court regarding termination of parental rights in a child in need of care case.
- SB 183 Collection of debts owed to courts or restitution owed under an order of restitution, use of collection services; judgments for court costs, fees, fines and restitution never become dormant.
- SB 184 Civil procedure; judgments for court costs, fees, fines and restitution are never dormant.

- SB 185 Sexually violent predators; reimbursement for costs incurred by counties.
- SB 191 Increasing the penalty for criminal discharge of a firearm.
- SB 195 Child support; reporting of arrearages to consumer credit reporting agencies; distribution of support payments.
- SB 196 Relating to peer support counseling sessions.
- SB 197 Applying the open meetings act to the supreme court nominating commission and judicial district nominating commissions; requiring attorneys to document eligibility to vote in the commission selection process and applying the open records act to such information; requiring certain applicant information to be made available to the public when appointing court of appeals judges.
- SB 198 State directory of new hires; contractors.
- SB 219 Relating to the reporting of abuse, neglect or exploitation of certain persons.
- SB 220 Increasing the penalty for battery or aggravated battery against a mental health employee.
- SB 221 Allowing businesses to pass on credit surcharge to consumers.
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- SB 229 Prohibiting certain advertising by an attorney who is not regularly admitted to practice law in Kansas.
- SB 230 Increasing the fines for permitting driving in violation of certain restrictions.
- SB 297 Grounds for impeachment of Kansas supreme court justices.
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- SB 97 Allowing contact with certain regulated animals.
- SB 118 Amending the powers and duties of the Kansas department of agriculture division of conservation and the state conservation commission.
- SB 119 Excepting certain persons from the chemigation permit requirements.
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- SB 125 Allowing NORM and TENORM to be eligible for disposal in Kansas landfills.
- SB 156 Department of agriculture; creating water conservation areas; labeling of agricultural liming materials; Arkansas river gaging fund expenditures.
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- SB 40 Massage therapist licensure act.
- SB 49 Kansas dental board; licensure of registered dental practitioners.
- SB 69 Advanced practice registered nurses; scope of practice and prescribing authority.
- SB 96 Kansas disclosure of unanticipated medical outcomes and medical errors act.
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- SB 126 Commercial driver's license test, fee.
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- SB 139 Mayor Ken Bernard memorial highway.
- SB 150 Allowing corporate officers to appear before the corporation commission for certain fines.
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- HB 2094 Reconciling amendments to certain statutes.

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- SB 109 Emergencies and disasters and the Kansas disaster utilities response act.
- SB 151 Electric utilities and carbon dioxide emissions.
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- SB 71 School districts; amending the supplemental general state aid calculation.
- SB 81 Appropriation revisions and supplementals for FY 2015 and FY 2016 for various state agencies.
- SB 138 Prohibiting the secretary of health and environment from adopting rules and regulations relating to confined feeding facilities that are more restrictive than federal law.
- SB 161 Vacation and discretionary policies of the boards of regents relating to university support staff.
- SB 162 Joint revenue estimates, move April 20 date to May 4.
- SB 175 Exercise of religious freedom by postsecondary education student associations.
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- SB 237 Appropriations for FY 2015, FY 2016, FY 2017, FY 2018 and FY 2019 for various state agencies.
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- SB 242 Adding employees of the Kansas commission on veterans affairs office to the list of safety sensitive positions for preemployment drug screening.
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- SB 283 STAR bonds; economic impact study; base year for additions of area to project districts; financing in excess of approved amounts.
- SB 284 Enacting the Kansas deferred retirement option program act.
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- SB 310 Authorizing income tax contributions to school districts.
- SB 311 Transfer of administration of school finance from the state board of education to the department of administration and secretary of administration.

- SCR 1605 A state constitutional amendment concerning public debt.  
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 HB 2135 For fiscal year 2016, authorizing the director of the budget to lapse moneys in certain state general fund accounts and transfer moneys from certain special revenue funds to the state general fund; excludes the legislative and judicial branches; further excludes debt service payments on bonds, KPERS employer contributions, certain department of education appropriations and any demand transfer to the school district capital improvements fund.  
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### **State Legislature, Joint Committees**

#### *Joint Committee on Corrections and Juvenile Justice Oversight*

- HB 2015 Juvenile offenders; prohibiting placement in a juvenile correctional facility for a current misdemeanor adjudication.

#### *Joint Committee on Special Claims Against the State*

- HB 2135 Claims against the state.

#### *Legislative Post Audit Committee*

- SB 4 Office of information technology services; for budgetary purposes, such office shall be considered a separate agency.  
 SB 6 Authorizing the division of post audit to background check contractors and other workers.  
 SB 7 Conducting information technology audits.  
 SB 8 Repealing school district audit teams and school district performance audit requirements.  
 HB 2005 Judicial branch; relating to court fees, docket fees and court costs; relating to dispositive motions; judicial branch surcharge fund, electronic filing and management fund and judicial branch docket fee fund; making and concerning appropriations for the fiscal years ending June 30, 2016, and June 30, 2017, for the judicial branch.  
 HB 2008 Repealing school district audit teams and school district performance audit requirements.  
 HB 2009 Authorizing the division of post audit to background check contractors and other workers.  
 HB 2010 Conducting information technology audits.

### **State Legislature, Special Committees**

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- SB 168 Issuing \$1 billion of pension obligation bonds to finance a portion of the unfunded actuarial liability of KPERS and establishing decreased employer contribution rates if certain debt service conditions are met.  
 SB 228 Issuing \$1 billion of pension obligation bonds to finance a portion of the unfunded actuarial liability of KPERS and establishing decreased employer contribution rates if certain debt service conditions are met.

*2014 Special Committee on Judiciary*

- SB 37 Enacting the Kansas foster parents' bill of rights act.
- SB 38 Bad faith assertions of patent infringement.
- HB 2048 Regulated scrap metal; crimes of theft and criminal damage to property, related sentencing provisions; regulation of scrap metal dealers, including unlawful acts and penalties; scrap metal theft reduction fee fund.
- HB 2053 Clarifying comparable offenses for criminal history.
- HB 2054 Public speech protection act.





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