

# Journal of the House

FIFTY-NINTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, April 30, 2008, 10:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.  
The roll was called with 125 members present.

Prayer by guest chaplain, the Rev. Clark G. Armstrong, pastor, Victory Hills Church of the Nazarene, Kansas City:

Lord, we start by taking our prayer focus for today from Senate Chaplain, Peter Marshall, who offered in his prayer on April 18, 1947 at the opening of the session this simple request: *"Give to us clear vision that we may know where to stand and what to stand for — because unless we stand for something, we shall fall for anything."*

Our Psalm for this day, Lord, is known as the Traveler's Psalm wherein the Psalmist says,

*I lift up my eyes to the hills —  
where does my help come from?  
My help comes from the LORD,  
the Maker of heaven and earth.  
He will not let your foot slip —  
he who watches over you will not slumber;  
indeed, he who watches over Israel  
will neither slumber nor sleep.  
The LORD watches over you —  
the LORD is your shade at your right hand;  
the sun will not harm you by day,  
nor the moon by night.  
The LORD will keep you from all harm —  
he will watch over your life;  
the LORD will watch over your coming and going  
both now and forevermore.*

We pause to praise you this morning O God, for being our Maker, our Helper and our Protector. We are comforted that you are on the job watching over us and over all your creation twenty four hours a day, seven days a week, all the days of the year and all the days of our lives. We acknowledge that you are not just watching over us from a distance now, but that as the Psalm indicates, You are personally concerned for each of us. We thank you for keeping us throughout the evening and the night watch hours and for giving us this new day in which to serve you and others.

I have come to this great Capitol today as one of your urban pastors from Kansas City, Kansas, where I have been helping the poor to get their lights back on this week, finding furniture for the homeless who are trying to find a place of their own again, helping our food pantry with their ministry, providing help with transportation for those who can no longer buy gasoline for their cars, assisting the urban youth to fill out college applications and get

registered to take the ACT test, networking with widows and older adults who are set aside now from society, and working on advanced education of my own to understand how humankind can live together here in a culture of liberalism and multiculturalism and still have a vibrant and vital personal faith in you that guides our steps and actions.

I cannot help but echo the July 7, 1992, prayer offered to the U.S. House by the Reverend Norman A. Hjelm when he said, *“once again by Your grace and in Your patience You have called this House — responsible men and women who are equally faithful and unfaithful, righteous and unrighteous before You, each other, and the people — You have called this House to the exercise of its solemn task of the legislation of law and the formation of the Nation.*

*Remind these Your servants that liberty, justice, and equity remain ahead of this Nation as tasks yet to be fulfilled and not as goals already reached.*

*Maintain before us a clear dedication to the needs of those in our midst who are on the outside because of age, ill health, race, sex, poverty, and urban or rural degradation.*

*And consecrate anew this Nation to the exercise of imaginative and sacrificial leadership in a restless and violent world which still struggles for authentic justice, peace, and a safe home in Your creation.”*

Defend and help the abused as Pope Benedict XVI has prayed here in America this past week; comfort those who groan and give rest to the weary travelers through life. Bring peace on earth, as we participate with You in working toward that peace.

We close our prayer this day with the devotional words of Senate Chaplain Lloyd John Ogilvie for April 30, *“My thirst for Your truth, my quest for Your solutions to my needs and my yearning for Your answers to my problems — are all assurances that before I articulated my prayer, You were preparing the answers. It is a magnificent, liberating thought that all through this day when I cry out for Your help, You have already been waiting for me to give up by dogged self-reliance and start drawing on the supernatural strength and superabundant wisdom You are so eager to give me.”*

We enter this day confident that you travel with us in all our comings and goings; we certify our resolve to travel with you. Give us that clear vision we need (as we started our prayer), to know where to stand and what to stand for. *“Accept now, O God, the labors of this day and the frail lives of Your servants in this House. To You be all honor and glory, world without end. Amen.”* (Hjelm)

The Pledge of Allegiance was led by Rep. Crum.

#### **INTRODUCTION OF GUESTS**

There being no objection, the following remarks of Rep. K. Wolf are spread upon the journal:

It is my honor to recognize the Kansas City Christian School Choir of Prairie Village. The Choir, under the direction of Catherine Gamble and accompanied by Carol Mueller will travel to China as representatives of the State of Kansas. The choir will perform in a mass choir with orchestra the famous “Carmina Burana” by Karl Orff under the direction of Dr. John Guthmiller. In addition, they will be featured performing on three different venues. Performances will be at the Forbidden City Concert Hall in Beijing, the Oriental Art Centre in Shanghai and at the Great Wall of China. Students will also visit a Chinese School and do a choral exchange for a day.

The selection of repertoire includes “An American folksong spectacular” which is an arrangement of native Kansas songs by Kansas Composer John Leavitt as well as a Chinese folksong “Fengyang Song,” composed by an area Kansas City Professor, Chen Yi.

While in Beijing, the Kansas City Christian School will visit Tiananmen Square, the Forbidden City, the Temple of Heaven, the Great Wall and the Beijing Opera. The group will

travel to Shanghai and tour the cosmopolitan city with a stop at the famous Yu Garden to see the Shanghai Acrobats.

I would like to introduce choir members, Rebecca Birchler, Aimee Casemier, Sam Cox, Laura Finn, Sarah Hawthorne, Suzie Kahler, David LaGue, Brooke Lindell, Kelly Lopez, Kevin McElvain, Emily Milton, Megan Mitchell, Kenzi Parker, Amy Patchen, Makenzie Payne, Dalton Phillips, Drew Roach, Heather Robertson, Kevin Robertson, Luke Ryan, Ally Smith, Anna Smith, Kayla Thompson, Tyler Thompson and Danielle Trott; director Catherine Gamble and accompanist Carol Mueller.

Please join with me in recognition of their selection to represent the State of Kansas as part of America's Choral Tribute to the 2008 Beijing Olympics May 26-June 6.

#### **CORRECTION OF REFERENCE**

Speaker pro tem Dahl announced **HB 2994** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Federal and State Affairs, should be corrected to be referred to Committee on Insurance and Financial Institutions.

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

The following bill and resolution were referred to committees as indicated:

Appropriations: **SCR 1620**.

#### **COMMUNICATIONS FROM STATE OFFICERS**

From Board of Indigents' Defense Services, Annual Report, Fiscal Year 2007.

From David Kerr, Secretary of Commerce, in accordance with KSA 74-50,118(b), Annual Enterprise Zone Report for calendar year 2007.

From Joan Wagnon, Secretary of Revenue, in accordance with KSA 74-50,118, Annual Report - Kansas Enterprise Zone Act.

From Howard Schwartz, Judicial Administrator, in accordance with KSA 5-506, 2007 Annual Dispute Resolution Report.

From Carol G. Green, Secretary, Commission on Judicial Qualifications, 2007 Annual Report of the Commission on Judicial Qualifications.

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

#### **INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

On emergency motion of Rep. Neufeld, **HR 6030**, by Reps. Neufeld, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6030—

By Representatives Neufeld, Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tapanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley and Yoder

A RESOLUTION honoring Janet E. Jones for her 34 dedicated years of public service to the Kansas House of Representatives.

WHEREAS, Janet E. Jones, the Chief Clerk of the Kansas House of Representatives,

was born in Courtland, Kansas, and graduated from Courtland High School and Kansas State University with majors in history and English; and

WHEREAS, In 1975, Janet E. Jones was hired to work as the Reading Clerk for the Kansas House of Representatives, a position she held for two years before she worked as the Chief Journal Clerk from 1977 through 1988; and

WHEREAS, Janet E. Jones continued to support the Legislature when she worked in the Office of the Revisor of Statutes as a proofreader from 1977 through 1984; and

WHEREAS, In 1988, James D. Braden, the Speaker of the Kansas House of Representatives, appointed Janet E. Jones as Chief Clerk to serve under the Speaker's direction, a position she has served dutifully from her first full session in 1989 to the present time; and

WHEREAS, The National Conference of State Legislatures awards Legislative Staff Achievement Awards annually to individual legislative staff members that have demonstrated excellence in supporting the work of a state legislature and strengthening the legislative institution, and Janet E. Jones was honored with a Legislative Staff Achievement Award, awarded to her by the American Society of Legislative Clerks and Secretaries and presented at the annual meeting in Chicago in 2000; and

WHEREAS, Janet E. Jones has represented Kansas nationally by serving in several leadership positions for the American Society of Legislative Clerks and Secretaries; and

WHEREAS, During her tenure as Chief Clerk, Janet E. Jones has worked with eight Speakers of the Kansas House of Representatives, including Representatives James D. Braden, Marvin Wm. Barkis, Tim Shallenburger, Robin Jennison, Kent Glasscock, Doug Mays and Melvin Neufeld; and

WHEREAS, Since Janet E. Jones began working for the Legislature as Reading Clerk in 1975, she has worked with nearly 600 different representatives of the Kansas House of Representatives; and

WHEREAS, After 34 years of working for the Kansas House of Representatives in various capacities, Janet E. Jones plans to retire from the Kansas House of Representatives in December 2008: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we honor Janet E. Jones for her professional accomplishments, thank her for her contribution of 34 dedicated years of public service given to the State of Kansas and wish her continued success in all her future endeavors; and

*Be it further resolved:* That the Deputy Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Speaker Melvin Neufeld for presentation to Janet E. Jones.

There being no objection, the following remarks of Reps. McKinney and Neufeld are spread upon the journal: and print as marked.

Remarks by Rep. McKinney:

Most citizens take for granted the processes that make our democratic institutions work. Our democratic bodies work well only when we have sound processes and procedure. Our process and procedure work well only when carried out by dedicated public servants like Janet Jones, our Chief Clerk.

Janet has announced she is retiring at the end of this year, but she did not ask our permission to do this. Fortunately for her, that is not required.

Today, here to surprise Janet as we honor her, are Janet's daughters, Colleen and Monica, and Colleen's husband, David. Also here is Janet's husband, Buck. We extend our thanks to you, Buck, for what you have given to us by supporting Janet's service over the last 34 years.

I still remember leaning over the Clerk's counter asking for a handwritten amendment form. With a glare, the Clerk told me, "it's too late in the session to be doing this." I tell this bit of humor to illustrate the respect that Janet commands in this Chamber. While the Speaker may be listed as the one in charge, we all recognize the Chief Clerk as the boss.

Our Chamber functions well when our processes work well. Janet, I hope that you never look back with regret on your service here. All of those nights of hard work, staying until 2

or 3 AM, making sure the Journal is correct and bills are printed and on our desks by 9:00 AM for Final Action are appreciated.

Your dedicated service has been a vital and essential part of making democracy work in Kansas. For that, we now express our tremendous appreciation for your 34 years of service to the people of Kansas.

Remarks by Rep. Neufeld:

It's not easy to keep a secret from Janet Jones — she seems to know about everything that happens in the Statehouse — but somehow I think we managed with today's resolution.

Janet Jones is our Legislative Legend.

She is the glue that holds this Chamber together and keeps us focused on good public policy. Her knowledge of procedure and protocol and attention to detail is invaluable.

It would be easy for chaos to erupt with everything that happens during the session but Janet keeps us on track. We know that you will miss keeping us in line and on subject and reminding us to turn in our amendments ahead of being recognized.

Janet — it is with a heavy heart that we thank you for your 34 years of service to this body and wish you well on your new endeavors. You will be truly missed.

We would like to present you with a small token of our affection and appreciation — a print of the State Capitol to remind you of your many years of loyal service to our great state. The inscription reads — To Janet Jones with Thanks — Members of the House of Representatives, 2008.

Thank you Janet.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6031—

By Representatives Ballard, Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley and Yoder

A RESOLUTION congratulating and commending the 2007-2008 University of Kansas men's basketball team and the football and debate teams.

WHEREAS, The University of Kansas has seen its students achieve tremendous success in recent academic and athletic competitions; and

WHEREAS, The KU men's basketball team won the 2008 NCAA Basketball Championship, capping off a 37-3 season with a thrilling 75-68 victory over Memphis, marking the fifth time the Jayhawks have won a national basketball title; and

WHEREAS, Mario Chalmers was named Most Outstanding Player of the Final Four and was named to the NCAA Final Four All-Tournament Team, along with Brandon Rush and Darrell Arthur; and

WHEREAS, The KU football team won the 2008 Orange Bowl, defeating Virginia Tech 24-21, making KU the first school from Kansas to win a Bowl Championship Series game, and resulting in a 12-1 record, the best in school history; and

WHEREAS, Aqib Talib was named the Orange Bowl's Most Valuable Player and Coach Mark Mangino was honored with numerous coach of the year awards, including one from the American Football Coaches Association; and

WHEREAS, The KU debate team finished the season ranked No. 1 in the National Debate Tournament varsity rankings, the second time in three years the team has finished the season at the top of the standings; and

WHEREAS, Sixteen KU debaters competed in 22 tournaments this year, winning or placing second in 10 of them, including the Cross Examination Debate Association national tournament and tournaments hosted by Harvard and Dartmouth; and

WHEREAS, The students who were a part of these three teams serve as positive role models for young Kansans through their dedication to excellence and their proud representation of their school and their state in the arena of competition; and

WHEREAS, The head coaches of these teams, Bill Self, Mark Mangino and Scott Harris, continue to guide their teams with class, demonstrating all that is best about collegiate competitions: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend the members of the University of Kansas men's basketball team and the football and debate teams on their success and wish them the best of luck in future competitions and in their lives; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide five enrolled copies of this resolution to Representative Barbara Ballard for presentation to the University of Kansas.

#### **MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Grant, **HR 6027**, A resolution celebrating and commemorating Frank Bozick as the oldest living veteran in Kansas, was adopted.

There being no objection, the following remarks of Rep. Grant are spread upon the journal:

Today we honor a gentleman from my area of Southeast Kansas. The man I am referring to is Frank Bozick. He was recognized in November, 2007 at the Frontenac USD 249 Veteran's Day program as the oldest living veteran in Kansas. This was confirmed by the historian of the American Legion National Headquarters.

Mr. Bozick would have like to have been here for the presentation of this resolution but his family did not want him to travel this far. After the session ends I intend to meet with Mr. Bozick and his family to present this resolution to him on behalf of the Kansas House of Representatives.

I would like to give you a short version of Mr. Bozick's accomplishments: Frank Bozick was born in Frontenac, Kansas on February 11, 1903, the son of Frank and Teresa Bozick who were immigrants from Slovenia, then part of Austria-Hungary, but now is an independent country.

Mr. Bozick attended the Central Auto and Tractor Division of Pittsburg Business College. After graduation he became a mechanic for Ford Motor Company in Detroit, Michigan for 18 months. He then returned to Kansas and worked repairing steam engines for the Kansas City Southern Railroad until 1932. In 1934 he opened his own garage and gas station which he operated for 42 years.

In December, 1943, at "young" age of 38, Frank was drafted into the United States Army where he spent 3 years repairing tanks. Mr. Bozick served in Ohio, Kentucky and the European theater. Frank's unit landed on the beaches at Normandy just seven day after D-Day. The unit then moved to Paris, France, two days after the city was liberated from the Germans.

Mr Bozick was discharged from the army in June of 1946 with the rank of Sergeant First Class. For his actions in the service to his country, Frank earned a European Theater ribbon and a good conduct medal.

Mr. Bozick returned to Frontenac, Kansas, where he resides today. Because of his remarkable longevity and service to his country, Frank has received numerous honors but probably the most cherished award was a plaque presented to him by the city he loves, Frontenac, Kansas and the John F. Derby Post 43 which he serves.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **H. Sub. for SB 81**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HOUSE Substitute for SB 81**, 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.

BRENDA K. LANDWEHR  
J. DAVID CRUM  
*Conferees on part of House*

SUSAN WAGLE  
PETE BRUNGARDT  
*Conferees on part of Senate*

On motion of Rep. Landwehr to adopt the conference committee report on **H. Sub. for SB 81**, roll call was demanded.

On roll call, the vote was: Yeas 67; Nays 58; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Beamer, Bethell, Bowers, Brunk, Burgess, Carlson, Colyer, Craft, Crum, Dahl, Donohoe, Fund, George, Goico, Gordon, Grange, Hayzlett, Hill, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Proehl, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Jim Morrison, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Quigley, Rardin, Ruff, Ruiz, Sawyer, Sloan, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: None.

The motion of Rep. Landwehr to adopt the conference committee report on **H. Sub. for SB 81** prevailed.

Speaker pro tem Dahl thereupon appointed Reps. Landwehr, Crum and Flaharty as second conferees on the part of the House.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following concurrent resolution was thereupon introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5041—

By Committee on Appropriations

A CONCURRENT RESOLUTION urging Congress to support the United States Department of Agriculture in taking immediate action to examine a number of options to assist Kansas pork producers.

WHEREAS, Input costs have combined to make 2008 a financially challenging year for Kansas pork producers; and

WHEREAS, Feed costs represent the largest share of the variable costs of hog production. During the first few months of 2008, corn prices in the United States have been more than double historical levels, and soybean meal, a key source of protein for hogs, is 75 percent higher than historical levels; and

WHEREAS, Kansas pork operations consume over 33 million bushels of corn and milo. At April 2008 prices, Kansas pork producers will spend over \$181 million on corn and milo this year. Kansas pork operations also consume the equivalent of over eight million bushels of soybeans through soybean products. At April 2008 prices, Kansas pork producers will spend over \$100 million on soy-based feed ingredients this year; and

WHEREAS, Corn futures prices suggest an unprecedented extended period of higher feed cost for pork producers. Hog prices have averaged about 47 cents per pound since 2001. Unfortunately, an equivalent hog price to match feed costs based on an historical hog-to-corn price ratio is between 90 and 100 cents per pound; and

WHEREAS, On March 28, the inventory of hogs in the United States was shown to have increased by about seven percent over levels one year ago, and pork in cold storage was shown to have increased by six percent. As a result, hog prices are not likely to increase quickly in the short term even with strong demand; and

WHEREAS, Every one dollar drop in hog prices results in an additional loss of \$2.70 per head under current feed cost pressures. This year, the Kansas pork industry, which supports about 7,100 jobs statewide, has been losing an estimated \$10 million in equity each month; and

WHEREAS, Eventually, hog prices will rise above production costs and profitability will return, but only after a substantial reduction in supplies. Existing producers are cutting production, but some producers will be forced to exit the pork business. This dislocation will ripple through rural economies: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we urge the Kansas Congressional delegation to support the United States Department of Agriculture in taking immediate action to examine a number of options to assist Kansas pork producers including: (1) Increased pork purchases using either Section 32 funds or other humanitarian feeding purchase programs; (2) temporary emergency feed loan assistance for producers in extreme economic circumstances; and (3) direct emergency loan guarantees for pork producers; and

*Be it further resolved:* That the Secretary of State be directed to provide an enrolled copy of this concurrent resolution to each member of the Kansas Congressional Delegation.

There being no objection, the following remarks of Rep. Judy Morrison are spread upon the journal:

I bring good news. I spoke with Rep. Kelly on Friday, the 18th of this month. She was having problems with her blood pressure and was in the hospital. Monday, April 21, she had an emergency c-section. She and her husband, Scott Margolius, welcomed their son, Thatcher Jay, 4 lbs. 8 oz. Kasha is a real trooper. She is back to the legislature after only nine days.

There being no objection, the following remarks of Rep. Pauls are spread upon the journal.

Mr. Chairman, it is my pleasure, along with Reps. O'Neal and Treaster, to recognize the Reno County Youth Leadership. This group in the capitol today consists of twenty-eight youth from the middle schools of Reno County, grades 6, 7 and 8. The Reno County Youth Leadership group is sponsored by SHRM and the Hutchinson/Reno County Chamber of Commerce. The youth are selected by their teachers or mentors. Please greet them as you see them in the building today in their green Reno County shirts.

#### MESSAGE FROM THE SENATE

The President announced the appointment of Senators Brungardt, Reitz and Gilstrap as members of the conference committee on **S. Sub. for HB 2504** to replace Senators Brownlee, Jordan and Barone.



**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **H. Sub. for SB 32; SB 178, SB 196; H. Sub. for SB 379; H. Sub. for SB 391; H. Sub. for SB 414; Sub. SB 453; Sub. SB 485; SB 531, SB 570, SB 669.**

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 32**, 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. 32, as follows:

On page 1, following line 30, by inserting the following:

“(6) “Nondeploying parent” means the parent not subject to deployment, mobilization, temporary duty or unaccompanied tour orders from the military.”;

Also on page 1, by striking all in lines 31 through 34 and inserting the following:

“(b) The absence, relocation or failure to comply with a custody or parenting time order by a parent who has received deployment, mobilization, temporary duty or unaccompanied tour orders from the military, shall not, by itself, constitute a material change in circumstances warranting a permanent modification of a custody or parenting time order.

(c) Any court order limiting previously ordered custodial or parenting time rights of a parent due to the parent’s deployment, mobilization, temporary duty or unaccompanied tour shall specify the deployment, mobilization, temporary duty or unaccompanied tour as the basis for the order and shall be entered by the court as a temporary order. Any such order shall further require the nondeploying parent to provide the court with 30 days advance written notice of any change of address and any change of telephone number.

(d) The court, on motion of the parent returning from deployment, mobilization, temporary duty or unaccompanied tour, seeking to amend or review the custody or parenting time order based upon such deployment, mobilization, temporary duty or unaccompanied tour, shall set a hearing on the matter that shall take precedence on the court’s docket and shall be set within 30 days of the filing of the motion. Service on the nondeploying parent shall be at such nondeploying parent’s last address provided to the court in writing. Such service, if otherwise sufficient, shall be deemed sufficient for the purposes of notice for this subsection. For purposes of this hearing, such nondeploying parent shall bear the burden of showing that reentry of the custody or parenting time order in effect prior to deployment, mobilization, temporary duty or unaccompanied tour is no longer in the best interests of the child.”;

And by relettering the remaining subsections accordingly;

On page 2, by striking all in lines 2 through 17;

And by relettering the remaining subsections accordingly;

Also on page 2, following line 32, by inserting the following:

“(h) Nothing in this section shall preclude a parent from petitioning for a modification of a custody or parenting time order based upon a material change in circumstances.

(i) Any order entered pursuant to this section shall provide that:

(1) The nondeploying parent shall reasonably accommodate the leave schedule of the parent subject to deployment, mobilization, temporary duty or unaccompanied tour orders;

(2) the nondeploying parent shall facilitate opportunities for telephonic and electronic mail contact between the parent subject to deployment, mobilization, temporary duty or unaccompanied tour orders and the child during the period of such deployment, mobilization, temporary duty or unaccompanied tour; and

(3) the parent subject to deployment, mobilization, temporary duty or unaccompanied tour shall provide timely information regarding such parent’s leave schedule to the nondeploying parent. Willful violation of such order shall constitute contempt of court.”;

And by relettering the remaining subsection accordingly;

Also on page 2, by striking all in lines 36 through 43;

By striking all on pages 3 through 9;

On page 10, by striking all in lines 1 through 5;  
 And by renumbering the remaining sections accordingly;  
 On page 11, in line 13, by striking “and K.S.A. 2007 Supp. 60-1610 are” and inserting  
 “is”;  
 In the title, in line 11, by striking “and K.S.A. 2007 Supp. 60-1610”; in line 12, by striking  
 “sections” and inserting “section”;

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL  
 LANCE KINZER  
 JANICE L. PAULS  
*Conferees on part of House*

JOHN VRATIL  
 TERRY BRUCE  
 GRETA GOODWIN  
*Conferees on part of Senate*

On motion of Rep. O'Neal, the conference committee report on **H. Sub. for SB 32** was adopted.

Call of the House was demanded.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Dillmore, Huebert.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 178**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 16 through 43;

By striking all on page 2 and inserting the following:

“Section 1. (a) This act shall be known and may be cited as the fire safety standard and firefighter protection act.

(b) If any provision of the fire safety standard and firefighter protection act is held to be unconstitutional, such holding shall not affect the validity of any remaining portion of the act.

Sec. 2. As used in this act:

(a) “Agent” means any person authorized by the director to purchase and affix stamps on packages of cigarettes.

(b) “Cigarette” means any roll for smoking, whether made wholly or in part of tobacco or any other substance, irrespective of size or shape, and irrespective of tobacco or substance

being flavored, adulterated or mixed with any other ingredient, if the wrapper is in greater part made of any material except tobacco.

(c) "Director," "retail dealer," "vending machine operator," "sale" and "wholesale dealer" shall have the meanings ascribed thereto in K.S.A. 79-3301, and amendments thereto.

(d) "Manufacturer" means:

(1) Any entity which manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced anywhere that such manufacturer intends to be sold in this state, including cigarettes intended to be sold in the United States through an importer;

(2) the first purchaser anywhere that intends to resell in the United States cigarettes manufactured anywhere that the original manufacturer or maker does not intend to be sold in the United States; or

(3) any entity that becomes a successor of an entity described in paragraph (1) or (2).

(e) "Quality control and quality assurance program" means the laboratory procedures implemented to ensure that operator bias, systematic and non-systematic methodological errors and equipment-related problems do not affect the results of the testing. Such a program ensures that the testing repeatability remains within the required repeatability values required by section 3, and amendments thereto, for all test trials used to certify cigarettes in accordance with this act.

(f) "Repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95% of the time.

(g) "Sell" means to sell, or to offer or agree to do the same.

Sec. 3. (a) Except as provided in subsection (h), no cigarettes may be sold or offered for sale in this state or offered for sale or sold to any person located in this state unless the cigarettes have been tested in accordance with the test method and meet the performance standard specified in this section, a written certification has been filed by the manufacturer with the state fire marshal in accordance with section 4, and amendments thereto, and the cigarettes have been marked in accordance with section 5, and amendments thereto.

(b) (1) Testing of cigarettes shall be conducted in accordance with the American society of testing and materials (ASTM) standard E2187-04, "Standard Test Method for Measuring the Ignition Strength of Cigarettes."

(2) Testing shall be conducted on 10 layers of filter paper.

(3) No more than 25% of the cigarettes tested in a test trial in accordance with this section shall exhibit full-length burns. Forty replicate tests shall comprise a complete test trial for each cigarette tested.

(4) The performance standard required by this section shall be applied only to a complete test trial.

(5) Written certifications shall be based upon testing conducted by a laboratory that has been accredited pursuant to standard ISO/IEC 17025 of the international organization for standardization (ISO) or other comparable accreditation standard required by the state fire marshal.

(6) Laboratories conducting testing in accordance with this section shall implement a quality control and quality assurance program that includes a procedure that will determine the repeatability of the testing results. The repeatability value shall be no greater than 0.19.

(7) This section does not require additional testing if cigarettes are tested in a manner which is consistent with this act for any other purpose.

(8) Testing performed or sponsored by the state fire marshal to determine a cigarette's compliance with the performance standard required shall be conducted in accordance with this section.

(c) Each cigarette listed in a certification submitted pursuant to section 4, and amendments thereto, that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard set forth in this section shall have at least two nominally identical bands on the paper surrounding the tobacco column. At least one complete band shall be located at least 15 millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned by design, there shall be at least two bands fully located at least 15 millimeters from the lighting end and 10 millimeters from the filter end of the tobacco column, or 10 millimeters from the labeled end of the tobacco column for non-filtered cigarettes.

(d) A manufacturer of a cigarette that the state fire marshal determines cannot be tested in accordance with the test method prescribed in subsection (b) shall propose a test method and performance standard for the cigarette to the state fire marshal. Upon approval of the proposed test method and a determination by the state fire marshal that the performance standard proposed by the manufacturer is equivalent to the performance standard prescribed in subsection (b)(3) of this section, the manufacturer may employ such test method and performance standard to certify such cigarette pursuant to section 4, and amendments thereto. If the state fire marshal determines that another state has enacted reduced cigarette ignition propensity standards that include a test method and performance standard that are the same as those contained in this act, and the state fire marshal finds that the officials responsible for implementing those requirements have approved the proposed alternative test method and performance standard for a particular cigarette proposed by a manufacturer as meeting the fire safety standards of that state's law or regulation under a legal provision comparable to this section, then the state fire marshal shall authorize that manufacturer to employ the alternative test method and performance standard to certify that cigarette for sale in this state, unless the state fire marshal demonstrates a reasonable basis why the alternative test should not be accepted under this act. All other applicable requirements of this section shall apply to the manufacturer.

(e) Each manufacturer shall maintain copies of the reports of all tests conducted on all cigarettes offered for sale for a period of three years, and shall make copies of these reports available to the state fire marshal and the attorney general upon written request. Any manufacturer who fails to make copies of these reports available within 60 days of receiving a written request shall be subject to a civil penalty not to exceed \$10,000 for each day after the sixtieth day that the manufacturer does not make such copies available.

(f) The state fire marshal may adopt a subsequent ASTM standard test method for measuring the ignition strength of cigarettes upon a finding that such subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with ASTM standard E2187-04 and the performance standard in subsection (b)(3) of this section.

(g) The state fire marshal shall review the effectiveness of this section and report every three years to the legislature the state fire marshal's findings and, if appropriate, recommendations for legislation to improve the effectiveness of this act. The report and legislative recommendations shall be submitted no later than June 30 following the conclusion of each three-year period.

(h) The requirements of subsection (a) shall not prohibit: (1) A wholesale dealer, retail dealer or vending machine operator from selling their existing inventory of cigarettes on or after July 1, 2009, if the wholesale dealer, retail dealer or vending machine operator can establish that state tax stamps were affixed to such cigarettes prior to July 1, 2009, and if the wholesale dealer, retail dealer or vending machine operator can establish that the inventory was purchased prior to July 1, 2009, in comparable quantity to the inventory purchased during the same period of time in the prior year. In no event may a wholesale dealer, retail dealer or vending machine operator sell or offer for sale a cigarette in this state that does not comply with this act after July 1, 2010; or (2) the sale of cigarettes solely for the purpose of consumer testing. For purposes of this subsection, the term "consumer testing" means an assessment of cigarettes that is conducted by a manufacturer, or under the control and direction of a manufacturer, for the purpose of evaluating consumer acceptance of such cigarettes, utilizing only the quantity of cigarettes that is reasonably necessary for such assessment.

(i) The provisions of this section shall take effect and be in force from and after July 1, 2009.

Sec. 4. (a) Each manufacturer shall submit to the state fire marshal a written certification attesting that: (1) Each cigarette listed in the certification has been tested in accordance with section 3, and amendments thereto; and (2) each cigarette listed in the certification meets the performance standard set forth in section 3, and amendments thereto.

(b) Each cigarette listed in the certification shall be described with the following information:

- (1) Brand or trade name on the package;
  - (2) style, such as lights, ultra lights, or low tar;
  - (3) length in millimeters;
  - (4) circumference in millimeters;
  - (5) flavor, such as menthol, chocolate or other, if applicable;
  - (6) filter or non-filter;
  - (7) package description, such as soft pack, box or other;
  - (8) the name, address and telephone number of the laboratory, if different than the manufacturer that conducted the test; and
  - (9) the date that the testing was conducted.
- (c) For the purpose of compliance with this section, the state fire marshal shall accept completed certifications and make the completed certifications available to the attorney general.
- (d) Each cigarette certified under this section shall be recertified every three years. Initial cigarette certifications may be made at any time. Subsequent certifications shall be made before July 31 of the subsequent certification year.
- (e) Every manufacturer shall certify cigarettes within the state before the manufacturer, retail dealer, wholesale dealer or vending machine operator legally may offer a manufacturer's cigarette for sale within the state. In order to obtain and maintain a listing on the directory created under subsection (i), a manufacturer shall consent to the jurisdiction of the Kansas courts for the purpose of enforcement of this act and shall appoint a registered agent for service of process in this state and shall identify the agent to the secretary of state.
- (f) For each cigarette listed in a certification, a manufacturer shall pay to the state fire marshal a fee of \$250. The state fire marshal may adjust such fee annually, by rule and regulation, to ensure that such fee defrays the actual cost of processing, testing enforcement, administration and oversight activities required by law.
- (g) There is hereby established in the state treasury a separate, nonlapsing fund to be known as the fire safety standard and firefighter protection act enforcement fund which shall be administered by the state fire marshal.
- (h) If a manufacturer has certified a cigarette pursuant to this section, and thereafter makes any change to such cigarette that is likely to alter its compliance with the reduced cigarette ignition propensity standards required by this act, that cigarette shall not be sold or offered for sale in this state until the manufacturer retests the cigarette in accordance with the testing standards set forth in section 3, and amendments thereto, and maintains records of that retesting as required by section 3, and amendments thereto. Any altered cigarette which does not meet the performance standard set forth in section 3, and amendments thereto, may not be sold in this state.
- (i) Not later than July 31, 2009, the attorney general shall develop a directory of all certified cigarettes under this act. The directory shall be updated as necessary and shall be posted on the attorney general's website. Unless a wholesale dealer, retail dealer or vending machine operator has actual knowledge that cigarettes do not comply with this act, the wholesale dealer, retail dealer or vending machine operator shall consider any cigarette listed on the directory posted on the website to be lawful to sell in this state for the purpose of compliance with this act by such wholesale dealer, retail dealer or vending machine operator.
- (j) The provisions of this section shall take effect and be in force from and after July 1, 2009.
- Sec. 5. (a) Cigarettes that are certified by a manufacturer in accordance with section 4, and amendments thereto, shall be marked with the letters "FSC", which signifies fire standards compliant, appearing in eight-point type or larger and permanently printed, stamped, engraved or embossed on the package at or near the UPC code. A manufacturer certifying cigarettes in accordance with section 4, and amendments thereto, shall provide a copy of the certifications to any wholesale dealer and its agents to which the manufacturer sells cigarettes. Any wholesale dealer, agent, retail dealer or vending machine operator shall permit the state fire marshal, the director, the attorney general, and employees thereof, to inspect cigarette packaging marked in accordance with this section.
- (b) The provisions of this section shall take effect and be in force from and after July 1, 2009.

Sec. 6. (a) A manufacturer, wholesale dealer, agent or any other person or entity who knowingly sells or offers to sell cigarettes, other than through retail sale, that do not meet the performance standard of section 3, and amendments thereto, are not listed on the directory as required by section 4, and amendments thereto, or are not marked in accordance with section 5, and amendments thereto, shall be subject to a civil penalty not to exceed \$500 for each pack of such cigarettes sold or offered for sale provided that in no case shall the penalty against any such person or entity exceed \$100,000 during any thirty-day period.

(b) A retail dealer or vending machine operator who knowingly sells or offers to sell cigarettes that are not listed on the directory as required by section 4, and amendments thereto, or are not marked in accordance with section 5, and amendments thereto, shall be subject to a civil penalty not to exceed \$500 for each pack of such cigarettes sold or offered for sale, provided that in no case shall the penalty against any retail dealer or vending machine operator exceed \$25,000 for sales or offers to sell during any thirty-day period.

(c) In addition to any penalty prescribed by law, any corporation, partnership, sole proprietor, limited partnership or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to section 4, and amendments thereto, shall be subject to a civil penalty of at least \$75,000 and not to exceed \$250,000 for each such false certification.

(d) Any person violating any other provision in this act shall be subject to a civil penalty for a first offense not to exceed \$1,000, and for a subsequent offense subject to a civil penalty not to exceed \$5,000 for each such violation.

(e) Any cigarettes that have been sold or offered for sale that do not comply with the performance standard required by section 3, and amendments thereto, shall be considered contraband and subject to forfeiture. Cigarettes forfeited pursuant to this section shall be destroyed. Prior to the destruction of any cigarette forfeited pursuant to this subsection, the true holder of the trademark rights in the cigarette brand shall be permitted to inspect the cigarette.

(f) In addition to any other remedy provided by law, the state fire marshal or attorney general may file an action in the district court for a violation of this act, including petitioning for injunctive relief or to recover any costs or damages suffered by the state because of a violation of this act, including enforcement costs relating to the specific violation and attorney's fees. Each violation of this act or of rules or regulations adopted under this act constitutes a separate civil violation for which the state fire marshal or attorney general may obtain relief.

(g) Whenever any law enforcement personnel or duly authorized representative of the state fire marshal, director, or attorney general shall discover any cigarettes that have not been marked in the manner required by section 5, and amendments thereto, or for which a certification has not been filed as required by section 4, and amendments thereto, such personnel are hereby authorized and empowered to seize and take possession of such cigarettes with or without process or warrant. Such cigarettes shall be turned over to the division of taxation, and shall be subject to forfeiture proceedings. Cigarettes seized pursuant to this section shall be destroyed. Prior to the destruction of any cigarette seized pursuant to this subsection, the true holder of the trademark rights in the cigarette brand shall be permitted to inspect the cigarettes.

(h) Any action taken pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(i) The provisions of this section shall take effect and be in force from and after July 1, 2009.

Sec. 7. (a) The director, in the regular course of conducting inspections of wholesale dealers, agents, retail dealers or vending machine operators, as authorized under the Kansas cigarette and tobacco products act or other state statutes, rules, or regulations, may inspect such cigarettes to determine if the cigarettes are marked as required by section 5, and amendments thereto. If the cigarettes are not marked as required, the director may seize such contraband with or without process or warrant and shall notify the state fire marshal.

(b) The provisions of this section shall take effect and be in force from and after July 1, 2009.

Sec. 8. (a) To enforce the provisions of this act, the attorney general, the director and the state fire marshal, their duly authorized representatives and other law enforcement personnel are hereby authorized to examine the books, papers, invoices and other records of any person in possession, control or occupancy of any premises where cigarettes are placed, stored or offered for sale, as well as the stock of cigarettes on the premises. Every person in the possession, control or occupancy of any premises where cigarettes are placed, stored or offered for sale, is hereby directed and required to give the attorney general, the director and the state fire marshal, their duly authorized representatives and other law enforcement personnel the means, facilities and opportunity for the examinations authorized by this section.

(b) The provisions of this section shall take effect and be in force from and after July 1, 2009.

Sec. 9. (a) There is hereby established in the state treasury a separate, nonlapsing fund to be known as the cigarette fire safety standard and firefighter protection act fund which shall be administered by the state fire marshal. The fund shall consist of all moneys recovered as penalties under section 6, and amendments thereto. The moneys shall be deposited to the credit of the fund and in addition to any other money made available for such purpose, shall be made available to the state entity responsible for administering the provisions of this act to support fire safety and prevention programs.

(b) The provisions of this section shall take effect and be in force from and after July 1, 2009.

Sec. 10. (a) Nothing in this act shall be construed to prohibit any person or entity from manufacturing or selling cigarettes that do not meet the requirements of section 3, and amendments thereto, if the cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States and that person or entity has taken reasonable steps to ensure that such cigarettes will not be sold or offered for sale to persons located in this state.

(b) The provisions of this section shall take effect and be in force from and after July 1, 2009.

Sec. 11. Prior to July 1, 2009, the state fire marshal may promulgate rules and regulations necessary to effectuate the purposes of this act. Such rules and regulations shall not become effective until July 1, 2009. The state fire marshal, director and attorney general may take any other action deemed necessary to prepare for the implementation and enforcement of the fire safety standard and firefighter protection act.

Sec. 12. Notwithstanding any other provision of law, a city or county shall not enact nor enforce any ordinance, resolution or other regulation conflicting with, or preempted by, any provision of this act or with any policy of this state expressed by this act, whether that policy be expressed by inclusion of a provision in this act or by exclusion of that subject from this act.

Sec. 13. The provisions of the fire safety and firefighter protection act shall become null and void if a federal reduced cigarette ignition propensity standard that preempts such act is adopted and becomes effective.

Sec. 14. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, by striking all in lines 10 through 13 and inserting the following: “AN ACT concerning reduced ignition propensity cigarettes.”;

And your committee on conference recommends the adoption of this report.

ARLEN H. SIEGFREID  
STEVE HUEBERT  
MICHAEL J. PETERSON  
*Conferees on part of House*

PETE BRUNGARDT  
ROGER P. REITZ  
MARK S. GILSTRAP  
*Conferees on part of Senate*

On motion of Rep. Siegfried, the conference committee report on **SB 178** was adopted.  
On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Kinzer.

Present but not voting: None.

Absent or not voting: Dillmore, Huebert, Neufeld.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **House Substitute for SB 379**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 3, in line 39, preceding "shall", where it appears for the first time, by inserting "is limited to the extent of the coverage and dollar limits of insurance the promisor has agreed to obtain for the benefit of the other party as promisee. Such indemnity obligation";

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL

LANCE KINZER

JANICE L. PAULS

*Conferees on part of House*

JOHN VRATIL

TERRY BRUCE

GRETA GOODWIN

*Conferees on part of Senate*

On motion of Rep. O'Neal, the conference committee report on **H. Sub. for SB 379** was adopted.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand.



Present but not voting: None.  
Absent or not voting: None.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 391**, 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 Substitute for Senate Bill No. 391, as follows:

On page 1, in line 35, by striking all after the semicolon; by striking all in line 36; in line 37, by striking all preceding the period and inserting “(6) the establishment of a proprietary interconnection agreement with a provider or proprietary peering standards by a provider, the purpose of which is to act as a barrier to peering or interconnection of providers to the KAN-ED network; or (7) any financial fee or obligation required to connect a peered provider network to the KAN-ED network which is unusual or not customary. The provisions of clause (6) shall not preclude the board from establishing technical standards for operation and maintenance of the network as required by subsection (c)(1) of K.S.A. 2007 Supp. 75-7224, and amendments thereto”;

And your committee on conference recommends the adoption of this report.

JOE MCLELAND  
MICHAEL R. O'NEAL  
TOM SAWYER  
*Conferees on part of House*

JAY SCOTT EMLER  
KARIN BROWNLEE  
JIM BARONE  
*Conferees on part of Senate*

On motion of Rep. McLeland, the conference committee report on **H. Sub. for SB 391** was adopted.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.  
Present but not voting: None.  
Absent or not voting: None.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 414**, 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. 414, as follows:

On page 1, following line 13, by inserting the following:

“New Section 1. (a) All law enforcement agencies in this state shall adopt written policies regarding allegations of stalking as provided in subsection (b). These policies shall be made available to all officers of such agency.

- (b) Such written policies shall include, but not be limited to, the following:
- (1) A statement directing that the officers shall make an arrest when they have probable cause to believe that a crime is being committed or has been committed;
  - (2) a statement defining stalking pursuant to K.S.A. 21-3438, and amendments thereto;
  - (3) a statement describing the dispatchers’ responsibilities;
  - (4) a statement describing the responding officers’ responsibilities and procedures to follow when responding to an allegation of stalking and the suspect is at the scene;
  - (5) a statement describing the responding officers’ responsibilities and procedures to follow when responding to an allegation of stalking and the suspect has left the scene;
  - (6) procedures for both misdemeanor and felony cases;
  - (7) procedures for law enforcement officers to follow when handling an allegation of stalking involving court orders, including any protective order as defined by K.S.A. 21-3843, and amendments thereto;
  - (8) a statement that the law enforcement agency shall provide the following information to victims, in writing:
    - (A) Availability of emergency and medical telephone numbers, if needed;
    - (B) the law enforcement agency’s report number;
    - (C) the address and telephone number of the prosecutor’s office the victim should contact to obtain information about victims’ rights pursuant to K.S.A. 74-7333 and 74-7335, and amendments thereto;
    - (D) the name and address of the crime victims’ compensation board and information about possible compensation benefits;
    - (E) advise the victim that the details of the crime may be made public;
    - (F) advise the victim of such victims’ rights under K.S.A. 74-7333 and 74-7335, and amendments thereto; and
    - (G) advise the victim of known available resources which may assist the victim; and
  - (9) whether an arrest is made or not, a standard offense report shall be completed on all such incidents and sent to the Kansas bureau of investigation.
- (c) No law enforcement agency or employee of such agency acting within the scope of employment shall be liable for damages resulting from the adoption or enforcement of any policy adopted under this section.

New Sec. 2. On and after January 1, 2009, all prosecuting attorneys, as defined in K.S.A. 22-2202, and amendments thereto, if such prosecuting attorney prosecutes crimes relating to stalking, shall adopt and put into effect written policies regarding the prosecution of crimes related to stalking. Such written policies shall include, but not be limited to, the effective prosecution of such crimes and the protection and safety of victims and such victim’s children from stalking.”;

And by renumbering the remaining sections accordingly;

On page 5, preceding line 37, by inserting the following:

“Sec. 6. K.S.A. 2007 Supp. 74-5604a is hereby amended to read as follows: 74-5604a. (a) The director of police training may establish a program for extending the law enforcement training and instruction throughout the state on a regional basis. The director of police training also may certify annually the training schools of state and local law enforcement agencies providing a course of law enforcement training for full-time police officers or law enforcement officers when such training programs satisfy the qualifications and standards promulgated by the director of police training after approval of the commission and when such programs satisfy a demonstrated training need not met by existing programs. The director of police training shall establish a course in basic law enforcement training for part-time police officers or law enforcement officers, approved by the commission, to be provided at the training center and certified state and local law enforcement training schools. In addition, after the general election of each election year and prior to January 1 of the next succeeding year, and at such other times as the director of police training deems necessary, the director of police training shall commence a training course for persons elected to the office of sheriff at the preceding general election.

(b) The director of police training shall conduct a pretraining evaluation of applicants for admission to the course for law enforcement officers conducted by the training center or to any certified state or local law enforcement training school to assure that each applicant is qualified to serve as a law enforcement officer. The director of police training shall adopt minimum standards, which shall receive prior approval by the commission, to be considered in the pretraining evaluation. The director of police training shall advise the city, county or state agency, railroad, school district or community college authorizing the applicant to attend the training center or certified state or local law enforcement training school of the results of the pretraining evaluation. The director of police training, with approval of the commission, may reject an applicant to the training center who does not meet the minimum pretraining standards.

*(c) Training courses conducted pursuant to this section may include procedures for law enforcement to follow when responding to an allegation of stalking.*

Sec. 7. K.S.A. 2007 Supp. 74-5607a is hereby amended to read as follows: 74-5607a. (a) The commission shall not issue a certification as a full-time police officer or law enforcement officer unless such officer has been awarded a certificate attesting to satisfactory completion of a full-time officer basic course of accredited instruction at the training center or at a certified state or local law enforcement training school or has been awarded such a certificate for not less than the number of hours of instruction required by the Kansas law enforcement training act at the time such certificate was issued or received a permanent appointment as a full-time police officer or law enforcement officer prior to July 1, 1969, or was appointed a railroad policeman pursuant to K.S.A. 66-524, and amendments thereto, on or before January 1, 1982. No person shall receive certification as a part-time police officer or law enforcement officer unless such officer has been awarded a certificate attesting to the satisfactory completion of a part-time officer basic course of instruction in law enforcement at the training center or at a certified state or local law enforcement training school.

(b) Beginning the second year after certification, every full-time police officer or law enforcement officer shall complete annually 40 hours of law enforcement education or training in subjects relating directly to law enforcement. Failure to complete such training shall be grounds for suspension from work without pay until such training is completed. The director with the approval of the commission shall adopt rules and regulations regarding such education or training. *Such education or training may include procedures for law enforcement to follow when responding to an allegation of stalking.* Every city, county and state agency shall send to the director certified reports of the completion of such education or training. The director shall maintain a record of the reports in the central registry.

(c) Subject to the provisions of subsection (d):

(1) Any person who is appointed or elected as a police officer or law enforcement officer and who does not hold a certificate as required by subsection (a) may be issued a provisional certificate for a period of one year. The director may extend the one-year period for the provisional certificate if in the director's determination the extension would not constitute an intentional avoidance of the requirements of subsection (a). If a person's provisional certificate expires or is revoked, the person shall not be issued another provisional certificate within one year of the expiration or revocation. A provisional certificate shall be revoked upon dismissal from any basic training program authorized by K.S.A. 74-5604a, and amendments thereto. A provisional certificate may be revoked upon voluntary withdrawal from any basic training program authorized by K.S.A. 74-5604a, and amendments thereto.

(2) Any police officer or law enforcement officer who does not complete the education or training required by subsection (b) by the date such education or training is required to have been completed shall be subject to revocation or suspension of certification and loss of the officer's office or position.

(d) The director may extend, waive or modify the annual continuing education requirement, when it is shown that the failure to comply with the requirements of subsection (a) or (b) was not due to the intentional avoidance of the law.”;

And by renumbering the remaining sections accordingly;

Also on page 5, in line 37, preceding “are” by inserting “and K.S.A. 2007 Supp. 74-5604a and 74-5607a”;

In the title, in line 9, preceding “amending” by inserting “requiring certain law enforcement agencies and prosecuting attorneys to adopt certain written policies.”; in line 10, following “60-31a06” by inserting “and K.S.A. 2007 Supp. 74-5604a and 74-5607a”;

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL  
LANCE KINZER  
JANICE L. PAULS  
*Conferees on part of House*

JOHN VRATIL  
TERRY BRUCE  
GRETA GOODWIN  
*Conferees on part of Senate*

On motion of Rep. O'Neal, the conference committee report on **H. Sub. for SB 414** was adopted.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

On motion of Rep. Merrick, the House recessed until 2:30 p.m.

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## AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Dahl in the chair.

### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Huntington, **HR 6023**, A resolution recognizing May 2008 as Lyme and Tick-borne Illness Awareness Month, was adopted.

There being no objection, the following remarks of Rep. Huntington are spread upon the journal:

Lyme Disease is defined as an infectious illness caused by the spirochete named *borrelia burgdorferi*, commonly called the deer tick.

After a deer tick bite, you may experience a rash in the area of the bite, migraine headaches, flu-like symptoms. In its chronic form, there is a severe immune dysfunction. When an initial bite is not treated, and the spirochete stays in your body for at least a year, autoimmune-like symptom present themselves — they might be diagnosed as lupus, multiple sclerosis, rheumatoid arthritis, encephalitis or meningitis. Chronic lyme disease is not treatable.

When physicians are aware that a region is endemic, defined as two cases per year, they know to investigate the symptoms and treat accordingly. Johnson County is endemic, as are

Douglas, Leavenworth, Sedgwick and Wyandotte. Douglas and Leavenworth counties have the highest incidence of Lyme's disease per person per population. Other counties that have been endemic are Atchison, Jefferson, Reno, Butler, Harvey, Riley, Shawnee, Crawford, Elk, Cherokee, Montgomery, Ford and Miami. Counties reporting at least one verifiable case include Allen, Franklin, Geary, Kingman, Osage, Grant, Ottawa, Clout, Ness, Saline, Wabanssee, Wilson, Doniphan, Logan, Rice, Brown and Barber.

Unfortunately for over ten constituents in my district, they were not readily diagnosed because their physicians didn't know to test for the disease.

I have two dear friends, and constituents in Johnson County, who have been diagnosed in Columbus, MO and Mayo's in Minnesota. They have been bed-ridden, weakened, lost cognitive functions for long periods of time — all because a lack of public awareness and physician awareness.

I move the adoption of this resolution to make the public aware of this disease, its symptoms, and treatments, so that patients and physicians will become more aware of Lyme's disease. I hope you'll join me for the safety of your constituents.

#### MESSAGES FROM THE GOVERNOR

**HB 2691** approved on April 8, 2008.

Also, **Sub. HB 2505; HB 2520; Sub. HB 2545; HB 2570, HB 2644, HB 2688, HB 2714, HB 2726, HB 2740, HB 2804, HB 2805, HB 2905** approved on April 9, 2008.

Also, **HB 2207, HB 2188, HB 2681, HB 2725, HB 2758** approved April 11, 2008.

Also, **HB 2634, HB 2657, HB 2692, HB 2704, HB 2825** approved on April 14, 2008.

Also, **HB 2660, HB 2897, HB 2968** approved on April 18, 2008.

Also, **Sub. HB 2018; S. Sub. for HB 2097; HB 2110, HB 2280; Sub. HB 2562; S. Sub. for HB 2590; HB 2672, HB 2721, HB 2771, HB 2892** approved on April 21, 2008.

Also, **S. Sub. for HB 2006** approved on April 23, 2008.

Also, **HB 2637, HB 2744, HB 2908** approved on April 24, 2008.

#### MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 23**.

The Senate adopts conference committee report on **HB 2620**.

The Senate adopts the conference committee report to agree to disagree on **H. Sub. for SB 81** and has appointed Senators Wagle, Brungardt and Haley as second conferees on the part of the Senate.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 196**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 2, in line 8, after "(b)" by inserting "(1)"; in line 11, by striking "\$50" and inserting "\$300"; after line 24, by inserting the following:

"(2) In addition, a separate report shall be made on a daily basis for the Thursday, Friday, Saturday and Sunday immediately preceding the election. Each daily report shall contain the information required in paragraph (1) of this section. Each report shall be filed by 5:00 p.m. on the next day respectively.";

Also on page 2, in line 39, by striking "act" and inserting "section"; after line 40, by inserting the following:

"New Sec. 3. (a) Every treasurer for a party committee or political committee shall file reports of contributions as prescribed by this act. Reports shall be filed with the secretary of state. Reports required by this section shall be in additions to any other reports required by law.

(b) (1) The report shall contain the name and address of each person who makes a contribution to the party committee or political committee in an aggregate amount or value in excess of \$300 or more during the period commencing 11 days before a primary or general election at which a state or local officer is to be elected and ending at 11:59 p.m. on the

Wednesday preceding the date of the election. Such report shall contain the amount and date of each such contribution. The report shall be made on or before the close of business on the Thursday preceding the date of the election.

(2) In addition, a separate report shall be made on a daily basis for the Thursday, Friday, Saturday and Sunday immediately preceding the election. Each daily report shall contain the information required in paragraph (1) of this section. Each report shall be filed by 5:00 p.m. on the next day respectively.

(c) Reports required by this section shall be filed by hand delivery, express delivery service, facsimile transmission or any electronic method authorized by the secretary of state.

(d) (1) "Contribution" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(2) "Party committee" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(3) "Political committee" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(e) The provisions of this section shall be part of and supplemental to the campaign finance act.

Sec. 4. K.S.A. 2007 Supp. 25-4148 is hereby amended to read as follows: 25-4148. (a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. Reports filed by treasurers for candidates for state-wide office shall be filed only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

(1) The eighth day preceding the primary election, which report shall be for the period beginning on January 1 of the election year for the office the candidate is seeking and ending 12 days before the primary election, inclusive;

(2) the eighth day preceding a general election, which report shall be for the period beginning 11 days before the primary election and ending 12 days before the general election, inclusive;

(3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on December 31, inclusive;

(4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the preceding calendar year;

(5) a treasurer shall file only the annual report required by subsection (4) for those years when the candidate is not participating in a primary or general election.

(b) Each report required by this section shall state:

(1) Cash on hand on the first day of the reporting period;

(2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

(3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;

(4) the aggregate amount of contributions for which the name and address of the contributor is not known;

(5) each contribution, rebate, refund or other receipt not otherwise listed;

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of \$50, with the amount, date, and purpose of each; the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political

consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;

(8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate, candidate committee, party committee or political committee, if the contribution is in excess of \$100 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution;

(9) the aggregate of all expenditures not otherwise reported under this section; and

(10) the total of expenditures.

(c) *In addition to the requirements of subsection (b), every treasurer for any political committee and party committee shall report the following:*

(1) (A) *The name and address of each candidate for state or local office for whom an expenditure in the form of an in-kind contribution has been made in an aggregate amount or having a fair market value in excess of \$300, with the amount, date and purpose of each. The report shall show in detail the specific service or product provided; and*

(B) *the name and address of each candidate for state or local office who is the subject of an expenditure which:*

(i) *Is made without the cooperation or consent of a candidate or candidate committee;*

(ii) *expressly advocates the nomination, election or defeat of such candidate; and*

(iii) *is an aggregate amount or having a fair market value in excess of \$300.*

(2) *The report shall state the amount, date and purpose of the expenditure in the form of an in-kind contribution. The report shall show in detail the specific service or product provided. The reporting requirements imposed by this subsection shall be in addition to all other requirements required by this section.*

~~(d)~~ (d) *Treasurers of candidates and of candidate committees shall be required to itemize, as provided in subsection (b)(2), only the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154, and amendments thereto.*

~~(e)~~ (e) *If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, ~~name or~~ a description ~~sufficiently describing the affiliation or, if of the connection to or affiliation with such organization.~~ If the committee is not connected or affiliated with any one organization, the report shall state the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.*

~~(f)~~ (f) *The commission may require any treasurer to file an amended report for any period for which the original report filed by such treasurer contains material errors or omissions; ~~and~~ The notice of the errors or omissions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.*

~~(g)~~ (g) *The commission may require any treasurer to file a report for any period for which the required report is not on file; ~~and~~ The notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.*

~~(h)~~ (h) *For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate's committee or by the treasurer of any party committee or political committee, the date of the convention or caucus shall be considered the date of the primary election.*

~~(i)~~ (i) *If a report is sent by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.*

~~(j)~~ (j) *Any report required by this section may be signed by the candidate in lieu of the candidate's treasurer or the treasurer of the candidate's committee.*

Sec. 5. K.S.A. 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; ~~or if~~ *If the in-*

dividual contributor is not employed for compensation then the report shall list the occupation *and industry* of the contributor's spouse.

Sec. 6. K.S.A. 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;*
- ~~(4)~~ (5) ~~any membership dues or~~ donations paid to a community service or civic organization in the name of the candidate or candidate committee of any candidate *but only if the candidate receives no goods or services unrelated to the candidate's campaign as a result of the payment of such donations;*
- ~~(5)~~ (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
- ~~(6)~~ (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.

Sec. 7. K.S.A. 25-4169a is hereby amended to read as follows: 25-4169a. (a) ~~(1) No officer or employee of the state of Kansas, or any county, any unified school district having 35,000 or more pupils regularly enrolled, any city of the first class or the board of public utilities of the city of Kansas City, Kansas municipality,~~ shall use or authorize the use of public funds or public vehicles, machinery, equipment or supplies of any such governmental agency or the time of any officer or employee of any such governmental agency, for which the officer or employee is compensated by such governmental agency, to expressly advocate the nomination, election or defeat of a clearly identified candidate to state office or local office. The provisions of this section prohibiting the use of time of any officer or employee for such purposes shall not apply to an incumbent officer campaigning for nomination or reelection to a succeeding term to such office or to members of the personal staff of any elected officer.

(2) *Except as otherwise provided in this section, no municipality shall permit or allow any person to distribute, or cause to be distributed, within any building or other structure owned,*



*leased or rented by such municipality any brochure, flier, political fact sheet or other document which expressly advocates the nomination, election or defeat of a clearly identified candidate for state or local office unless each candidate for such state or local office is permitted or allowed to do so in the same manner.*

(3) *For the purposes of this subsection, the term municipality shall have the meaning ascribed to it in K.S.A. 12-105a and amendments thereto.*

(b) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

Sec. 8. K.S.A. 25-4148a, 25-4157a and 25-4169a and K.S.A. 2007 Supp. 25-4148 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 12, by striking all after the semicolon; by striking all in line 13 and inserting “amending K.S.A. 25-4148a, 25-4157a and 25-4169a and K.S.A. 2007 Supp. 25-4148 and repealing the existing sections.”;

And your committee on conference recommends the adoption of this report.

MIKE BURGESS

TED POWERS

TOM SAWYER

*Conferees on part of House*

TIM HUELSKAMP

ROGER P. REITZ

DONALD BETTS JR.

*Conferees on part of Senate*

On motion of Rep. Burgess, the conference committee report on **SB 196** was adopted.

On roll call, the vote was: Yeas 123; Nays 2; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: McKinney, Powell.

Present but not voting: None.

Absent or not voting: None.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 453**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 4, in line 2, by striking “Kansas, Inc.,” and inserting “the department of commerce”;

On page 8, after line 8, by inserting the following:

“Sec. 6. K.S.A. 2007 Supp. 74-50,154 is hereby amended to read as follows: 74-50,154.

(a) As used in this act: (1) “*Business support services*” means *business counseling, technical assistance and business planning provided to existing or prospective small businesses or entrepreneurs*;

(2) "contributions" means and includes the donation of cash or property other than used clothing in an amount or value of \$250 or more. Contributions shall be valued as follows:

(A) Stocks and bonds contributed shall be valued at the stock market price on the date of transfer;

(B) personal property items contributed shall be valued at the lesser of the item's fair market value or cost to the donor and may be inclusive of costs incurred in making the contribution. Such value shall not include sales tax;

(C) contributions of real estate are allowable for credit only when title of such real estate is in fee simple absolute and is clear of any encumbrances; and

(D) the amount of credit allowable shall be based upon the lesser of two current independent appraisals conducted by state licensed appraisers;

~~(2)~~ (3) "department" means the department of commerce;

(4) "entrepreneur" means an individual creating a new business, service or product;

(5) "region" means multi-county areas as defined by the secretary of commerce;

~~(5)~~ (6) "regional business development fund" means an authorized and audited fund that is created by taxpayer contributions, interest income and investment income and is managed by the regional foundation board of directors for the purposes of economic and leadership development in the region;

(7) "regional foundation" means any organization in Kansas that demonstrates capacity to provide economic development services to regions as defined by this act, and: (A) Has obtained a ruling from the internal revenue service of the United States department of treasury that such organization is exempt from income taxation under the provisions of section 501(c)(3) or 501(c)(6) of the federal internal revenue code;

(B) has been designated as a certified development company by the United States small business administration;

(C) has been designated as an economic development district by the United States department of commerce's economic development administration;

(D) has been organized as a regional planning commission under K.S.A. 12-744 et seq., and amendments thereto, or its predecessor, K.S.A. 12-716 et seq., and amendments thereto; or

(E) is incorporated in the state of Kansas as a nonstock, nonprofit corporation;

~~(6)~~ (8) "regional leadership development" means training and education that enable a region to develop community leadership that strengthens the economic and social environment in that region;

(9) "rural community" means any city having a population of fewer than 50,000 or except as otherwise provided, any unincorporated area. Unincorporated areas within any county having a population of more than 100,000 are not eligible; ~~and~~

~~(7)~~ (10) "secretary" means the secretary of the department of commerce;

(11) "small business" means an independently owned and operated business having fewer than 100 full-time equivalent employees;

(12) "taxpayer" means: (A) Any business entity authorized to do business in the state of Kansas which is subject to the state income tax imposed by the provisions of the Kansas income tax act;

(B) any individual subject to the state income tax imposed by the provisions of the Kansas income tax act;

(C) any national banking association, state bank, trust company or savings and loan association paying an annual tax on its net income pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated; or

(D) any insurance company paying the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto; and

(13) "technology improvements" means a project that results in the ability of the region to enhance service in areas, including broadband access, web site creation, wireless internet services, computer programming, computer servers, computer networks, computer databases, electronic training modules, electronic media and any other technological areas deemed eligible by the secretary.

(b) For taxable years commencing after December 31, 2004, any taxpayer contributing to a regional foundation designated by the secretary of commerce, shall be allowed a credit,

as provided in this act, against the tax imposed by the Kansas income tax act, the tax on net income of national banking associations, state banks, trust companies or savings and loan associations imposed under article 11 of chapter 79 of the Kansas Statutes Annotated, or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, if the proposal of the regional foundation is approved pursuant to this act.

(c) (1) On December 31, 2007, June 30, 2008, and each June 30 thereafter, each regional foundation shall transfer 5% of funds raised in the previous fiscal year from the marketing of the rural business tax credits to be credited to the enterprise facilitation fund created in K.S.A. 2007 Supp. 74-50,155, and amendments thereto.

(2) The secretary of commerce may adopt rules and regulations for the disbursement of regional foundation funds to the enterprise facilitation fund.

(d) (1) The secretary of commerce is hereby authorized to adopt rules and regulations for establishing criteria for evaluating proposals to designate regional foundations as defined by this act with the assistance of the secretary of revenue.

(2) The proposal shall set forth the program to be conducted, why the program is needed, the estimated amount to be invested in the program, composition of the board that shall be making investment decisions, policies stating the organization shall offer services to all counties in that region and the plans for implementing the program.

(3) The secretary of commerce shall select regional foundations pursuant to rules and regulations adopted pursuant to subsection ~~(c)(1)~~ (d)(1) to use the sale of credits to establish regional business development funds.

(4) The total amount of credits allowed under this act shall not exceed \$2,500,000 for fiscal year 2005; \$2,500,000 for fiscal year 2006; and \$2,000,000 per year for fiscal years 2007 through, and including, 2012. Each region as defined by this act shall receive an equal share of this allocation.

(5) Any credits not sold by such regional foundations shall be reclaimed by the secretary from such region and redistributed to other regions that sold all credits previously issued.

(6) The secretary shall annually review and approve or disapprove the proposal of each designated regional foundation for continued eligibility for tax credits. The department of commerce retains that right to reclaim credits in such cases the regional foundation closes or there is demonstrated violation of the organization's policies. Changes to the investment policies of each regional foundation are subject to approval of the secretary.

*(e) Each regional foundation shall administer a regional business development fund. The sums generated by contributions to each regional business development fund are intended to be distributed to qualified entrepreneurs for the purposes of economic and leadership development in the region. Such sums shall be allocated by each regional foundation as follows:*

*(1) Not less than 60% of such funds may be allocated for job creation or retention;*

*(2) not more than 10% of such funds shall be allocated for administrative costs in overseeing particular projects; and*

*(3) the remaining funds may be allocated towards other eligible activities as provided in subsection (f) in a manner that fits the region's priorities and needs.*

*(f) Funds in the regional business development funds may be utilized by the regional foundation for one or more of the following eligible activities:*

*(1) Business start-ups;*

*(2) business expansion;*

*(3) business retention;*

*(4) business support services;*

*(5) regional leadership development;*

*(6) technology improvements; and*

*(7) administrative services.*

*(g) All interest generated on idle funds administered by the regional foundation shall be used by the foundation's board in accordance with subsections (e) and (f).*

*(h) Any regional foundation may increase or decrease the allocation percentages set forth in subsection (e) only upon approval of such adjustments by the secretary.*

(e) (i) (1) The amount of credit allowed pursuant to this act, shall not exceed 75% of the total amount contributed during the taxable year by the taxpayer to a regional foundation approved pursuant to this act.

(2) If the amount of the credit allowed by this act, exceeds the taxpayer's income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer.

(f) (j) The provisions of this act shall be applicable to all taxable years beginning after December 31, 2004.”;

And by renumbering the remaining sections accordingly;

Also on page 8, in line 9, by striking “is” and inserting “and 74-50,154 are”;

In the title, in line 12, after “concerning” by inserting “economic development; relating to”; in line 14, before “concerning” by inserting a semicolon; in line 15, before “amending” by inserting “relating to regional foundation funds;”; in line 16, after “12-5242” by inserting “and 74-50,154”; also in line 16, by striking “section” and inserting “sections”;

And your committee on conference recommends the adoption of this report.

JASON WATKINS  
JOHN C. GRANGE  
DOUG GATEWOOD  
*Conferees on part of House*

KARIN BROWNLEE  
NICK JORDAN  
LAURA KELLY  
*Conferees on part of Senate*

On motion of Rep. Grange, the conference committee report on **Sub. SB 453** was adopted.

On roll call, the vote was: Yeas 88; Nays 37; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Bethell, Bowers, Burgess, Carlin, Carlson, Craft, Crum, Dahl, Davis, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Johnson, Kelley, Kelsey, King, Knox, Kuether, Lane, Light, Loganbill, Lukert, Mast, Masterson, McKinney, Menghini, Metsker, Jim Morrison, Moxley, Myers, Neufeld, O'Neal, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Sloan, Svaty, Swanson, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Brunk, Burroughs, Colloton, Colyer, Crow, Dillmore, Donohoe, Gordon, Henderson, Hodge, Huebert, Huntington, Kiegerl, Kinzer, Landwehr, Long, Mah, McCray-Miller, McLachlan, McLeland, Merrick, Judy Morrison, Neighbor, Olson, Owens, Patton, Quigley, Rardin, Siegfried, Spalding, Storm, Tietze, Ward, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: None.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 485**, 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, after line 23, by inserting the following:

“Sec. 8. K.S.A. 2007 Supp. 68-521 is hereby amended to read as follows: 68-521. (a) The board of county commissioners before awarding any contract for the construction, surfacing, repairing or maintaining of any road as provided in K.S.A. 68-520, and amendments thereto, when the county engineer's estimated cost of such improvement is more than ~~\$10,000~~ \$25,000, shall have the approved plans and specifications which have been adopted by order

of the board for such work filed in the county clerk's office or in some other county office designated by the board at least 20 days prior to the time of the letting.

The county clerk or some other county officer designated by the board shall give not less than 20 days' notice of the letting by publication in at least two consecutive weekly issues of the official county paper, the first publication of such notice to be not less than 20 days prior to such letting. The notice shall specify with reasonable minuteness the character of the improvement contemplated, where it is located, the kind of material to be used, the hour, date and place of letting of such contract, when the work is to be completed, and invite sealed proposals for the same. Such other notice may be given as the board may deem proper. All bids shall be made on the proposal blanks furnished by the county, signed by the bidder, sealed and delivered, or sent by mail, by the bidder, or the agent or attorney thereof, to the county clerk or to some other county officer designated by the board. The letting of all contracts shall be conducted in such manner as to give free, open competition, and all qualified bidders, shall be given an equal opportunity to bid upon the plans and specifications on file. Each bidder shall be required to accompany the submitted bid with a bid surety in an amount equal to 5% of the bid amount in the form prescribed by the board as a guarantee that, if the contract is awarded to the bidder, the bidder will enter into the contract with the board. If a bidder fails to enter into the contract when awarded to the bidder, the bid surety shall become the property of the county as its liquidated damages and shall be paid to the county treasurer for credit to the general fund of the county, and the board may award the contract to the next lowest responsible bidder. The bids shall be opened publicly by the board or a designee thereof at the place, date and hour named in the advertising notice, and all bids shall be considered, and accepted or rejected.

In case the work is let at such public letting or thereafter, the contract shall be awarded to the lowest responsible bidder, or the board, if it deems the proposals too high, may reject all bids, and readvertise the work as before. No such contract shall be let at an amount exceeding 110% of the county engineer's estimated cost of the work. No such contract shall be considered as awarded unless the contractor shall within 21 days after the letting enter into contract and shall give the bond required by K.S.A. 60-1111, and amendments thereto, and a performance bond to the county in a penal sum equal to the amount of the contract price, conditioned upon the faithful performance of the contract, payable to the county upon failure to comply with the terms of the contract. The contractor shall file with the county clerk the bonds, which shall be approved by the chairperson of the board and the county attorney by their signatures indorsed thereon.

(b) The provisions of subsection (a) shall not apply to contracts for the expenditure of county moneys for the reconstruction or repair of a road if:

- (1) The road has been damaged or destroyed as a result of a disaster;
- (2) the governor has declared the county, or that part of the county in which the road is located, a disaster area;
- (3) the board of county commissioners finds that a hardship would result if the road is not immediately reconstructed or repaired;
- (4) the board of county commissioners has obtained an estimate of the cost of the reconstruction or repair of the road from the county engineer. If there is no county engineer, the board shall obtain such estimate from the Kansas department of transportation; and
- (5) the contract for the reconstruction or repair of the road is awarded within 60 days of the governor's declaration required by paragraph (2).

(c) The county attorney or county counselor shall meet with and advise the board of county commissioners in all matters pertaining to letting and making of all contracts under this act. The board may make partial payments, on the written estimate of its county engineer, upon any contract work as the same progresses, but not more than 95% of the estimate of the materials furnished and work done, or of the contract price, shall be paid in advance of the full and satisfactory completion of the contract. Final payment shall not be made on any such contract until the county engineer has inspected the work and certified in writing that it has been properly done and completed in accordance with the contract, plans and specifications, and the county engineer's certificate to that effect has been filed in the office of the county clerk or some other county officer designated by the board.”;

And by renumbering the remaining sections accordingly;

Also on page 10, in line 24, by striking “8” and inserting “(9)”; in line 43, by striking “or design build team”;

On page 11, by striking all in lines 18 through 24;

And by relettering the remaining subsections accordingly;

On page 12, by striking all in lines 23 through 37;

And by relettering the remaining subsections accordingly;

Also on page 12, in line 43, by striking “comprised of” and inserting “appointed by the”; also in line 43, by striking “members”;

On page 13, by striking all in lines 21 through 23; in line 27, by striking “or design-build”; in line 29, by striking “and design-build”; in line 35, by striking “shall” and inserting “may only”;

On page 14, in line 20, by striking “methods” and inserting “method”; in line 33, by striking “but” and inserting “or”; in line 34, by striking “schematic design phase” and inserting “initiation of the project”;

On page 17, by striking all in lines 19 through 43;

By striking all on pages 18 and 19;

On page 20, by striking all in lines 1 through 37;

On page 21, in line 11, by striking “is” and inserting “and K.S.A. 2007 Supp. 68-521 are”;

In the title, in line 12, after “ACT” by inserting “concerning”; in line 14, by striking “construction of buildings” and inserting “buildings and other construction projects”; in line 15, after “and” by inserting “K.S.A. 2007 Supp. 68-521 and”; also in line 15, by striking “section” and inserting “sections”;

And your committee on conference recommends the adoption of this report.

SHARON SCHWARTZ

LEE TAFANELLI

BILL FEUERBORN

*Conferees on part of House*

CAROLYN MCGINN

MARK TADDIKEN

ANTHONY HENSLEY

*Conferees on part of Senate*

On motion of Rep. Schwartz, the conference committee report on **Sub. HB 485** was adopted.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O’Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Kinzer, Neufeld.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 570**, submits the following report:

The House recedes from all of its amendments to the bill and your committee on conference further agrees to amend the bill, as printed with the Senate Committee amendments, as follows:

On page 13, after line 38, by inserting:

“New Sec. 4. As used in sections 4 through 8, and amendments thereto:

(a) “Broadband” means any synchronous or asynchronous transmission technology capable of speeds of at least 200 kilobits per second in both directions to and from customer and provider.

(b) “Census tract” means a tract identified on the most recent official United States decennial census maps.

(c) “Commission” means the state corporation commission.

(d) “Government” means the state and any department, agency, authority, institution or instrumentality thereof, any county, township, city, school district or other political or taxing subdivision of the state and any other not-for-profit entity primarily funded by appropriations from tax revenues.

(e) “Potential broadband customer” means any residential, commercial or government customer that could receive broadband service through existing telephone or cable lines and has subscribed to such service, has elected not to subscribe to such service or cannot subscribe to such service because such service is not provided.

(f) “Provider” means a provider of wireless, wireline, cable-modem and other technological means of providing high speed internet access service to persons who are domiciled in Kansas.

(g) “Underserved rural areas” means that no more than 15% of potential broadband customers in a census tract are capable of receiving broadband of at least 386 kilobits per second in both directions in accordance with the provisions of sections 5 through 8, and amendments thereto.

New Sec. 5. On or before October 1, 2008, subject to the provisions of section 7, and amendments thereto, each provider of broadband service shall submit to the commission information presenting the geographic areas where customers are capable of receiving broadband service from such provider. The commission shall not require subsequent annual reports from providers who document the geographic areas where customers are capable of receiving broadband. This section shall apply to all providers that provide broadband service, including satellite transmission.

New Sec. 6. (a) On or before January 15, 2009, and annually thereafter, subject to the provisions of section 7, and amendments thereto, the commission shall report to the legislature on broadband service being provided in the state of Kansas. Such report shall include the following information:

(1) A report by census tract or other identifiable geographic unit indicating whether broadband service is available and the number of providers that offer service to customers in each census tract;

(2) beginning with the commission’s report in 2010, a report by census tract of the change in: (A) The number of broadband providers; and (B) the geographic area or census tract where broadband service is available.

(b) The commission shall maintain the information provided by each provider pursuant to section 5, and amendments thereto, as confidential and shall report only the aggregated information by census tract to the legislature. In maintaining the information, the commission shall adhere to the confidentiality provisions in K.S.A. 66-1220a, and amendments thereto.

(c) The commission, after consulting with broadband providers, may adopt rules and regulations as necessary to establish the form and manner in which the provider information shall be submitted and to fulfill all other requirements of the commission under this act.

(d) The commission shall, in addition to those reports required by subsection (a), on or before January 15, 2008, and annually thereafter, report to the legislature the names of the broadband service providers that fail to comply with the reporting requirements of section 5, and amendments thereto.

New Sec. 7. In the event the federal government or any federal agency implements a national program to collect information regarding broadband service deployment, the pro-

visions of section 5 and subsections (a), (c) and (d) of section 6, and amendments thereto, shall no longer be effective, and the commission shall collect such broadband service data and report such data to the legislature in a form and manner that is in conformance with such federal program.

New Sec. 8. Nothing in sections 4 through 7, and amendments thereto, shall be construed as authorizing the commission to regulate the provision of broadband service in any manner not already otherwise authorized pursuant to federal or state law.

New Sec. 9. The provisions of sections 4 through 8, and amendments thereto, shall expire on July 1, 2013.”;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 11, after the semicolon by inserting “relating to broadband development.”;

And your committee on conference recommends the adoption of this report.

CARL DEAN HOLMES  
ROBERT OLSON  
ANNIE KUETHER  
*Conferees on part of House*

JAY SCOTT EMLER  
PAT APPLE  
JANIS K. LEE  
*Conferees on part of Senate*

On motion of Rep. C. Holmes, the conference committee report on **SB 570** was adopted. (See further action, this session).

On roll call, the vote was: Yeas 116; Nays 9; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Crow, Dillmore, Flora, Hawk, Huntington, Kuether, McKinney, Storm.

Present but not voting: None.

Absent or not voting: None.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 669**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 1, in line 17, by striking “5” and inserting “6”; in line 32, by striking “this section” and inserting “the virtual school act”;

On page 3, in line 2, by striking “103.5%” and inserting “105%”; in line 3, by striking “by the virtual school”; in line 6, by striking “4.65%” and inserting “25%”; by striking all in lines 8 through 18; following line 18 by inserting:

“(C) add any amount determined under section 6, and amendments thereto; and”;

Also on page 3, in line 19, by striking “(E)” and inserting “(D)”; in line 20, by striking “(D)” and inserting “(C)”;

On page 4, following line 13 by inserting:



“New Sec. 6. (a) As used in this section:

(1) “Pupil” means a pupil who is a resident of and enrolled, on a full-time basis, in a school district.

(2) “School district” means a school district which does not offer advanced placement courses and which is either more than 200 square miles in area or has an enrollment of at least 260 pupils and does not offer advance placement courses.

(b) If a pupil is enrolled in at least one advanced placement course provided by a virtual school, the school district offering the virtual school shall be paid an amount equal to 8% of the amount of base state aid per pupil for such pupil as additional virtual school state aid. Such state aid shall be paid in each semester in which a pupil is enrolled in at least one advanced placement course provided by a virtual school.”;

And by renumbering the remaining sections accordingly;

Also on page 4, by striking all in line 18; following line 18 by inserting:

“(2) “School district” means U.S.D. No. 251, north Lyon county; U.S.D. No. 252, southern Lyon county; U.S.D. No. 253, Emporia; and U.S.D. No. 284, Chase county;”;

On page 6, in line 13, before “Except” by inserting “A pupil enrolled in a district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$  that the pupil’s attendance at the non-virtual school bears to full-time attendance.”; in line 37, after “institution”, by inserting “or a psychiatric residential treatment facility”; also in line 37, by striking all after the period; by striking all in lines 38 through 40;

On page 8, in line 5, by striking “6 or 7” and inserting “7 or 8”;

On page 9, by striking all in line 42 and inserting the following:

“Sec. 9. K.S.A. 2007 Supp. 72-8187 is hereby amended to read as follows: 72-8187. (a) In each school year, to the extent that appropriations are available, each school district which has provided educational services for pupils residing at the Flint Hills job corps center, for pupils housed at a psychiatric residential treatment facility or for pupils confined in a juvenile detention facility is eligible to receive a grant of state moneys in an amount to be determined by the state board of education.

(b) In order to be eligible for a grant of state moneys provided for by this section, each school district which has provided educational services for pupils residing at the Flint Hills job corps center, for pupils housed at a psychiatric residential treatment facility or for pupils confined in a juvenile detention facility shall submit to the state board of education an application for a grant and shall certify the amount expended, and not reimbursed or otherwise financed, in the school year for the services provided. The application and certification shall be prepared in such form and manner as the state board shall require and shall be submitted at a time to be determined and specified by the state board. Approval by the state board of applications for grants of state moneys is prerequisite to the award of grants.

(c) Each school district which is awarded a grant under this section shall make such periodic and special reports of statistical and financial information to the state board as it may request.

(d) All moneys received by a school district under authority of this section shall be deposited in the general fund of the school district and shall be considered reimbursement of the district for the purpose of the school district finance and quality performance act.

(e) The state board of education shall approve applications of school districts for grants, determine the amount of grants and be responsible for payment of grants to school districts. In determining the amount of a grant which a school district is eligible to receive, the state board shall compute the amount of state financial aid the district would have received on the basis of enrollment of pupils residing at the Flint Hills job corps center, housed at a psychiatric residential treatment facility or confined in a juvenile detention facility if such pupils had been counted as two pupils under the school district finance and quality performance act and compare such computed amount to the amount certified by the district under subsection (b). The amount of the grant the district is eligible to receive shall be an amount equal to the lesser of the amount computed under this subsection or the amount certified under subsection (b). If the amount of appropriations for the payment of grants under this section is insufficient to pay in full the amount each school district is determined to be eligible to receive for the school year, the state board shall prorate the amount ap-

propriated among all school districts which are eligible to receive grants of state moneys in proportion to the amount each school district is determined to be eligible to receive.

(f) On or before July 1 of each year, the secretary of social and rehabilitation services shall submit to the Kansas department of education a list of facilities which have been certified and licensed as psychiatric residential treatment facilities.

(g) As used in this section:

(1) "Enrollment" means the number of pupils who are: (A) Residing at the Flint Hills job corps center ~~or who are~~, confined in a juvenile detention facility ~~and~~ *or residing at a psychiatric residential treatment facility*; and (B) for whom a school district is providing educational services on September 20, on November 20, or on April 20 of a school year, whichever is the greatest number of pupils;

(2) "juvenile detention facility" means any public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which shall not be a jail; and

(3) "psychiatric residential treatment facility" means a facility which provides psychiatric services to individuals under the age of 21 and which conforms with the regulations of the centers for medicare/medicaid services, is licensed by the Kansas department of health and environment and is certified by the Kansas department of social and rehabilitation services pursuant to subsection (f).

Sec. 10. K.S.A. 2007 Supp. 72-6407 and 72-8187 are hereby repealed.";

And by renumbering the remaining section accordingly;

In the title, in line 13, following "72-6407" by inserting "and 72-8187"; in line 14, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

CLAY AURAND

DEENA HORST

SUE STORM

*Conferees on part of House*

JEAN KURTIS SCHODORF

JOHN VRATIL

JANIS K. LEE

*Conferees on part of Senate*

On motion of Rep. Aurand, the conference committee report on **SB 669** was adopted.

On roll call, the vote was: Yeas 119; Nays 5; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brown, Dillmore, Donohoe, Ward, Winn.

Present but not voting: None.

Absent or not voting: O'Neal.

#### INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Colloton offered a motion that the House reconsider its action in the adoption of the conference committee report on **SB 570**. The motion prevailed.

The question reverted back to the motion to adopt the conference committee report on **SB 570** and the report was adopted.

On roll call, the vote was: Yeas 117; Nays 8; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Flaharty, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crow, Dillmore, Feuerborn, Flora, Hawk, Kuether, McKinney, Storm.

Present but not voting: None.

Absent or not voting: None.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2926**, **HB 2643**, **HB 2683**, **HB 2689**.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **HB 2926**. An act relating to cities; concerning the provision of equipment and personnel by the department of transportation for demolition of housing damaged by flood waters.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Kiegerl.

On motion of Rep. O'Neal, the House concurred in Senate amendments to **HB 2643**. An act concerning civil procedure; relating to answers of garnishment; amending K.S.A. 60-736 and K.S.A. 2007 Supp. 40-218 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood,

George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

On motion of Rep. Burgess to concur in Senate amendments to **HB 2683**, An act concerning elections; pertaining to vacancy in the office of United States representative; pertaining to vacancy in the position of United States senator; pertaining to vacancy in the office of state treasurer; pertaining to the presidential primary; amending K.S.A. 25-101b, 25-318, 25-3501, 25-4502 and 25-4503 and K.S.A. 2007 Supp. 25-4501 and repealing the existing sections, the motion did not prevail and the bill remains in conference.

On roll call, the vote was: Yeas 53; Nays 68; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Humerickhouse, Kelsey, King, Kinzer, Knox, Landwehr, Light, Mast, McLeland, Merrick, Metsker, Jim Morrison, Myers, O'Neal, Olson, Patton, Powell, Powers, Proehl, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Vickrey, Watkins, Wilk, B. Wolf, Worley, Yoder.

Nays: Ballard, Bowers, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huntington, Johnson, Kelley, Kiegerl, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Otto, Owens, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Quigley, Rardin, Roth, Ruff, Ruiz, Sawyer, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: Hodge, Masterson, Judy Morrison, Neufeld.

On motion of Rep. Peck, the House concurred in Senate amendments to **HB 2689**, An act concerning insurance; establishing the property/casualty flex-rating regulatory improvement act; pertaining to personal lines insurance written on risks in this state by any insurer authorized to do business in this state; pertaining to risk-based capital requirements; amending K.S.A. 2007 Supp. 40-2c01 and repealing the existing section.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 77; Nays 48; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hill, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, King, Kinzer, Knox, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Peck, Pottorff, Powell, Powers, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Svaty, Swanson, Tafanelli, Vickrey, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Kiegerl, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney,

McLachlan, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Ruff, Ruiz, Sawyer, Storm, Swenson, Tietze, Treaster, Trimmer, Ward, Watkins, Wetta, Winn.

Present but not voting: None.

Absent or not voting: None.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2123**, **HB 2186**, **HB 2343**, **HB 2642**, **HB 2700**, **HB 2727**, **HB 2858**; **S. Sub. for HB 2916**; **S. Sub. for HB 2923**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2123**, 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:

By striking all on pages 2 and 3 and inserting the following:

“Section 1. K.S.A. 2007 Supp. 12-5242 is hereby amended to read as follows: 12-5242. As used in the rural housing incentive district act:

(a) “City” means any city incorporated in accordance with Kansas law with a population of less than ~~40,000~~ 60,000 in a county with a population of less than ~~60,000~~ 80,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1st in accordance with K.S.A 11-201, and amendments thereto;

(b) “County” means any county organized in accordance with K.S.A. 18-101 et seq., and amendments thereto, with a population of less than ~~40,000~~ 60,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1st in accordance with K.S.A 11-201, and amendments thereto;

(c) “Developer” means the person, firm or corporation responsible under an agreement with the governing body to develop housing or related public facilities in a district.

(d) “District” means a rural housing incentive district established in accordance with this act.

(e) “Governing body” means the board of county commissioners of any county or the mayor and council, mayor and commissioners or board of commissioners, as the laws affecting the organization and status of cities affected may provide;

(f) “Secretary” means the secretary of commerce of the state of Kansas.

(g) “Real property taxes” means and includes all taxes levied on an ad valorem basis upon land and improvements thereon.

(h) “Taxing subdivision” means the county, the city, the unified school district, and any other taxing subdivision levying real property taxes, the territory or jurisdiction of which includes any currently existing or subsequently created rural housing incentive district.

Sec. 2. K.S.A. 2007 Supp. 12-5242 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, by striking all in lines 12 through 14 and inserting the following: “AN ACT concerning the rural housing incentive act; pertaining to certain definitions; amending K.S.A. 2007 Supp. 12-5242 and repealing the existing section.”;

And your committee on conference recommends the adoption of this report.

PETE BRUNGARDT

ROGER P. REITZ

MARK S. GILSTRAP

*Conferees on part of Senate*

ARLEN H. SIEGFREID

STEVE HUEBERT

MICHAEL J. PETERSON

*Conferees on part of House*

On motion of Rep. Siegfried, the conference committee report on **HB 2123** was adopted.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafaneli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Neufeld.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2186**, 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 28, by striking "be licensed by the state of Kansas in such"; by striking all in line 29; in line 30, by striking all before the semicolon and inserting "state in such advertisement whether or not such person is licensed and if licensed, under what authority such license is issued and in what profession";

On page 2, in line 12, by striking "\$5,000" and inserting "\$1,000"; in line 13, by striking "2007 Supp."; in line 40, by striking all after "shall"; in line 41, by striking all before the period and inserting "state the following : "This certificate is issued pursuant to subsection (b) of K.S.A. 65-2423, and amendments thereto." ";

And your committee on conference recommends the adoption of this report.

JOHN VRATIL  
TERRY BRUCE  
GRETA GOODWIN  
*Conferees on part of Senate*

MICHAEL R. O'NEAL  
LANCE KINZER  
JANICE L. PAULS  
*Conferees on part of House*

On motion of Rep. O'Neal, the conference committee report on **HB 2186** was adopted.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Saw-

yer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2343**, 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, by striking all in lines 20 through 43;

On page 6, by striking all in lines 1 through 42;

And by renumbering the remaining sections accordingly;

On page 9, in line 7, by striking "\$10,000,000" and inserting "\$6,000,000 in fiscal year 2009, \$7,000,000 in fiscal year 2010 and \$8,000,000 in fiscal year 2011 and in each fiscal year thereafter"; by striking all in lines 39 through 43;

By striking all on pages 10 through 18;

On page 19, by striking all in lines 1 through 37; following line 37, by inserting:

Sec. 4. K.S.A. 2007 Supp. 76-774, 76-775 and 76-776 are hereby repealed.

And by renumbering the remaining section accordingly;

In the title, by striking all in lines 18 through 22; following line 22 by inserting:

"AN ACT concerning postsecondary educational institutions; relating to the faculty of distinction program; amending K.S.A. 2007 Supp. 76-774, 76-775 and 76-776 and repealing the existing sections.";

And your committee on conference recommends the adoption of this report.

JEAN KURTIS SCHODORF

JOHN VRATIL

JANIS K. LEE

*Conferees on part of Senate*

CLAY AURAND

DEENA HORST

SUE STORM

*Conferees on part of House*

On motion of Rep. Aurand, the conference committee report on **HB 2343** was adopted.

On roll call, the vote was: Yeas 93; Nays 32; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Bethell, Bowers, Burgess, Carlin, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Fund, Garcia, Gatewood, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Hill, Holland, C. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McLachlan, Menghini, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Owens, Palmer, Pauls, Phelps, Pottorff, Powers, Proehl, Quigley, Rardin, Roth, Ruff, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Brunk, Burroughs, Carlson, Donohoe, Frownfelter, George, Gordon, Henry, Hodge, M. Holmes, Huebert, Kelley, King, Kinzer, Knox, Lane, Masterson, McKinney, McLeland, Merrick, Otto, Patton, Peck, Peterson, Powell, Rhoades, Ruiz, Svaty, Treaster, Whitham.

Present but not voting: None.

Absent or not voting: None.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2642**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, after line 20, by inserting the following:

“Section 1. K.S.A. 20-3002 is hereby amended to read as follows: 20-3002. (a) ~~On and after January 1, 2003, through December 31, 2004, the court of appeals shall consist of 11 judges whose positions shall be numbered one to 11. On and after January 1, 2005, through December 31, 2007, the court of appeals shall consist of 12 judges whose positions shall be numbered one to 12.~~ On and after January 1, 2008, through December 31, ~~2008~~ 2009, the court of appeals shall consist of 13 judges whose positions shall be numbered one to 13. On and after January 1, ~~2009~~ 2010, the court of appeals shall consist of 14 judges whose positions shall be numbered one to 14. Judges of the court of appeals shall possess the qualifications prescribed by law for justices of the supreme court.

(b) Judges of the court of appeals shall be selected in the manner provided by K.S.A. 20-3003 through 20-3010, and amendments thereto. Each judge of the court of appeals shall receive an annual salary in the amount prescribed by law. No judge of the court of appeals may receive additional compensation for official services performed by the judge. Each such judge shall be reimbursed for expenses incurred in the performance of such judge’s official duties in the same manner and to the same extent justices of the supreme court are reimbursed for such expenses.

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

(d) Any additional court of appeals judge position created by this section shall be considered a position created by the supreme court and not a civil appointment to a state office pursuant to K.S.A. 46-234, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

On page 9, in line 39, after “K.S.A.” by inserting “20-3002.”;

In the title, in line 15, after “K.S.A.” by inserting “20-3002.”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL  
TERRY BRUCE  
GRETA GOODWIN  
*Conferees on part of Senate*

MICHAEL R. O’NEAL  
LANCE KINZER  
JANICE L. PAULS  
*Conferees on part of House*

On motion of Rep. O’Neal, the conference committee report on **HB 2642** was adopted.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neighbor, O’Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.



Nays: None.

Present but not voting: None.

Absent or not voting: Hayzlett, Hodge, Kiegerl, Judy Morrison, Neufeld.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2700**, 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 15 through 43;

By striking all on pages 2 and 3 and inserting the following:

“Section 1. K.S.A. 2007 Supp. 65-1753 is hereby amended to read as follows: 65-1753.

(a) Except as otherwise provided by law and in accordance with any applicable legal requirements, a dead human body which is removed from the location of death shall be transported only to a licensed funeral establishment, a licensed branch funeral establishment containing an embalming preparation room or a holding facility, a licensed crematory containing a holding facility, a hospital, a cemetery, a coroner or medical examiner facility, the university of Kansas medical center, a *federally certified organ procurement organization serving the state of Kansas* or other location of final disposition.

(b) *A dead human body which is to be removed in accordance with subsection (a) to a federally certified organ procurement organization serving the state of Kansas shall be removed only upon the release of a person listed in the order of priority pursuant to K.S.A. 2007 Supp. 65-3228, and amendments thereto.*

Sec. 2. K.S.A. 2007 Supp. 65-1753 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, by striking all in lines 10 through 12 and inserting the following:

“AN ACT concerning public health; relating to removal of dead bodies; amending K.S.A. 2007 Supp. 65-1753 and repealing the existing section.”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL  
TERRY BRUCE  
GRETA GOODWIN  
*Conferees on part of Senate*

MICHAEL R. O'NEAL  
LANCE KINZER  
JANICE L. PAULS  
*Conferees on part of House*

On motion of Rep. O'Neal, the conference committee report on **HB 2700** was adopted.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Hayzlett, Hodge, Judy Morrison, Neufeld.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2727**, 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 23, by striking all after "shall"; in line 24, by striking "costs paid herein" and inserting "be reimbursed such fee upon the costs being paid by the defendant"; also in line 24, by striking "or"; in line 25, by striking "28-172c";

And your committee on conference recommends the adoption of this report.

JOHN VRATIL  
TERRY BRUCE  
GRETA GOODWIN  
*Conferees on part of Senate*

MICHAEL R. O'NEAL  
LANCE KINZER  
JANICE L. PAULS  
*Conferees on part of House*

On motion of Rep. O'Neal, the conference committee report on **HB 2727** was adopted. On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Hayzlett, Hodge, Judy Morrison, Neufeld.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2858**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 2, following line 34, by inserting the following:

"Sec. 4. (a) For the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, and June 30, 2015, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) This act shall not be subject to the provisions of subsection (a) of K.S.A. 75-6702 and amendments thereto.

(c) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

## Sec. 5.

## STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

Kansas academy for math and science

For the fiscal year ending June 30, 2009..... \$295,000

For the fiscal year ending June 30, 2010..... \$713,000

*Provided*, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2009, is hereby reappropriated for fiscal year 2010.

For the fiscal year ending June 30, 2011..... \$754,000

*Provided*, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

For the fiscal year ending June 30, 2012..... \$792,000

*Provided*, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

For the fiscal year ending June 30, 2013..... \$835,000

*Provided*, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013.

For the fiscal year ending June 30, 2014..... \$938,000

*Provided*, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014. Any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.”;

And by renumbering the remaining sections accordingly;

In the title, in line 12, following “foundation” by inserting “; making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, and June 30, 2015”;

And your committee on conference recommends the adoption of this report.

JEAN KURTIS SCHODORF

RUTH TEICHMAN

JANIS K. LEE

*Conferees on part of Senate*

JOE MCLELAND

MICHAEL R. O'NEAL

BOB GRANT

*Conferees on part of House*

On motion of Rep. McLeland, the conference committee report on **HB 2858** was adopted.

On roll call, the vote was: Yeas 112; Nays 12; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaherty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Owens, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Carlson, Donohoe, Gordon, Henderson, Knox, Merrick, Otto, Peck, Whitham, Winn.

Present but not voting: None.

Absent or not voting: Neufeld.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **SENATE Substitute for HB 2916**, 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 9, preceding the period by inserting “, including associated employer contributions”; in line 29, preceding the period by inserting “, including associated employer contributions”;

On page 5, in line 13, following “(a)” by inserting “, including associated employer contributions,”; in line 17, following the comma by inserting “including associated employer contributions,”;

On page 7, following line 15, by inserting the following:

“New Sec. 10. (a) The compensation program (compensation and benefits opportunity and delivery) for state employees will be designed to support the mission of the various branches of government and the agencies and departments within those branches. The foundation of the compensation program is to attract and retain quality employees with competitive compensation based on relevant labor markets. The programs will be based upon principles of fairness and equity and will be administered with sound fiscal discipline.

(b) The compensation philosophy component statements are:

(1) The legislature will be accountable for the adoption of the compensation philosophy and framework. The executive branch through delegated authority from the governor to the department of administration will be accountable for the consistent administration of the program for classified employees. Agency heads will be accountable for proper administration of the program within their agencies. The chief justice, through delegated authority to the office of judicial administration will be accountable for the consistent administration of the program for judicial branch employees. The state board of regents, through delegated authority to the chief executive officer of each campus, will be accountable for the consistent administration of the program for higher education faculty and non-classified employees. The respective appointing authorities will have accountability for the consistent administration of compensation for non-classified employees.

(2) The compensation program will be based on consistent principles of fairness throughout the state, yet will be flexible to meet changing needs. This will allow for multiple pay plans to fit different needs and market variables for the different branches of government and within those branches.

(3) Establishing the value of compensation will be primarily based on establishing the appropriate market value of the job. For positions for which a market value cannot be readily identified, the value of compensation for those positions will be based on a fair, defensible and understandable method.

(4) While recognizing that service and tenure yields valued experience, pay delivery mechanisms will be based on a combination of achievement of performance objectives, recognition of differences in job content, acquisition and application of further skill and education and pay for the achievement of team/unit or department goals.

(5) All aspects of compensation (base salary, benefits, lump sum payments, allowances and other variable elements of compensation) will be considered as a total compensation package for state employees. The state’s pay programs will utilize both fixed and variable compensation as well as non-cash reward and recognition programs.

(6) Total compensation, as defined above, will be targeted at a competitive level when compared to the appropriate labor markets to allow the state to attract and retain the quality and quantity of employees needed to fulfill service commitments to its citizens.

(7) The state is committed to ensuring that its salary structures are up to date through the conduct of market surveys at regular intervals. There will be a planned approach to ensure that the classification structure and classification of employees is kept current.

(8) The compensation programs will reinforce a work culture and climate where employees are recognized and rewarded for their contribution. Any changes to compensation must

be reasonable and take into consideration the needs of the state as an employer, the work culture afforded to the employees as public service providers and the citizens receiving services from the state.

(9) It is the intent of the legislature that longevity bonus payments shall not be considered as part of base pay.

New Sec. 11. (a) There is hereby established the state employee pay plan oversight committee, to provide oversight of the development and implementation of the new pay plans and the performance management process and to review and evaluate, upon implementation, the management and administration of the plans and processes in accordance with the state's compensation philosophy in section 10, and amendments thereto. The oversight committee shall be advisory to the legislature.

(b) The state employee pay plan oversight committee shall be composed of seven voting members who shall be appointed as follows: (1) One member who shall be appointed by the president of the senate, (2) two members who shall be appointed by the speaker of the house of representatives, (3) one member who shall be appointed by the minority leader of the senate, (4) one member who shall be appointed by the minority leader of the house of representatives, and (5) two members who shall be appointed by the governor, of whom, at least one of the members appointed by the governor shall be a representative of a state employee organization. The secretary of administration, or the secretary's designee, and the secretary of labor, or the secretary's designee, shall be non-voting, ex officio members of the oversight committee. The oversight committee shall convene and organize annually by electing a chairperson and a vice-chairperson from among the voting members of the oversight committee.

(c) The state employee pay plan oversight committee shall meet on call of the chairperson or on the request of six voting members of the oversight committee. Four voting members of the oversight committee shall constitute a quorum. All actions of the oversight committee shall be taken by a majority of all voting members of the oversight committee. The oversight committee shall develop and submit to the legislature at the beginning of each regular session a report, commencing in 2009, on the development, implementation and administration of the new pay plans and the performance management process and other administrative processes and policies.

(d) 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 oversight committee and authorized by the legislative coordinating council.

(e) Each member of the state employee pay plan oversight committee attending meetings of such oversight committee approved by the legislative coordinating council, or attending a subcommittee meeting thereof authorized by such oversight committee and approved by the legislative coordinating council, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, from appropriations for legislative expenses.

(f) The provisions of this section shall expire on July 1, 2014.”;

And by renumbering the remaining sections accordingly;

On page 13, following line 35, by inserting the following:

“Sec. 19. On June 15, 2008, K.S.A. 75-5541 is hereby amended to read as follows: 75-5541. (a) *Except as otherwise provided by this section*, each classified employee, excluding any such employee who is on temporary appointment, and each nonjudicial employee in the unclassified service under the Kansas civil service act in a state agency in the judicial branch of state government, shall receive a bonus as provided by this section, which shall be referred to as a longevity bonus, under the terms and conditions and subject to the limitations prescribed by this section.

(b) After June 30, 1989, any such officer or employee who has been employed by any agency, board or department within any branch of state government, whether or not the entire period of service is continuous with the same agency, board or department, shall be eligible to receive a longevity bonus upon completion of 120 months of state service. Length of service and service anniversary dates shall be determined pursuant to rules and regulations adopted by the secretary of administration.

(c) The amount of each longevity bonus payment shall be computed by multiplying \$40 by the number of full years of state service, not to exceed 25 years, rendered by such officer or employee as of the service anniversary date within such fiscal year.

(d) Each longevity bonus payment shall be included in the employee's regular pay warrant. The amount of the bonus shall be displayed separately on the warrant stub or advice.

(e) Longevity bonus payments shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for all purposes under the Kansas public employees retirement system and shall be subject to applicable deductions for employee contributions notwithstanding the fact that payments are made annually. Longevity bonus payments shall be in addition to the regular earnings to which an officer or employee may become entitled or for which such employee may become eligible.

(f) The purpose of longevity pay is to recognize permanent employees who have provided experience and faithful long-term service to the state of Kansas in order to encourage officers and employees to remain in the service of the state. The provisions of this section shall apply to fiscal years commencing after June 30, 1989. The amendatory language of this section shall be construed to confirm that longevity pay is intended, and has been intended since its enactment, to be a bonus as defined in 29 C.F.R. § 778.208.

(g) In accordance with the provisions of K.S.A. 75-3706, and amendments thereto, the secretary of administration shall adopt rules and regulations to implement the provisions of this section with respect to officers and employees in the executive branch of state government. The supreme court may adopt policies to implement the provisions of this section with respect to officers and employees who are nonjudicial personnel of state agencies in the judicial branch of state government.

(h) *The provisions of this section shall not apply to any state officer or employee who is employed or re-employed as a state officer or employee on or after June 15, 2008.*;

And by renumbering the remaining sections accordingly;

On page 14, in line 9, by striking "and" and inserting a comma; in line 10, preceding "K.S.A." by inserting "75-5541 and";

In the title, in line 11, preceding "making" by inserting "state employee compensation program philosophy; establishing the state employee pay plan oversight committee;"; in line 14, by striking "and" where it appears the first time and inserting a comma; in line 15, preceding "K.S.A." by inserting "75-5541 and"

And your committee on conference recommends the adoption of this report.

DWAYNE UMBARGER  
JAY SCOTT EMLER  
LAURA KELLY

*Conferees on part of Senate*

PAT GEORGE  
LEE TAFANELLI  
TOM HAWK

*Conferees on part of House*

On motion of Rep. George, the conference committee report on **S. Sub. for HB 2916** was adopted.

On roll call, the vote was: Yeas 112; Nays 11; Present but not voting: 1; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Masterson, McCray-Miller, McKinney, McLachlan, Menghini, Metsker, Jim Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trim-

mer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brown, Dahl, Donohoe, Huebert, Kinzer, Knox, McLeland, Merrick, Judy Morrison, Peck, Siegfried.

Present but not voting: Mast.

Absent or not voting: Hodge.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2923**, 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 22, by striking "Section 1." and inserting the following:

"Section 1.

#### KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated from the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures — administration

For the fiscal year ending June 30, 2009.....	\$60,000
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New Sec. 2.";

And by renumbering the remaining sections accordingly;

On page 3, in line 39, by striking "in";

On page 4, in line 39, by striking "From July 1, 2008, to June 30, 2010, an" and inserting "An"; in line 40, by striking all after "profits"; in line 41, by striking all before "shall";

On page 5, in line 5, by striking "From July 1, 2008 to June 30, 2010, an" and inserting "An"; in line 6, by striking all after the first "profits"; in line 11, after "from" by inserting ": (A)"; in line 15, after "act" by inserting "; and (B) from and after July 1, 2010, shall be appropriated for a veterans enhanced service delivery program";

And your committee on conference recommends the adoption of this report.

DWAYNE UMBARGER

JAY SCOTT EMLER

LAURA KELLY

*Conferees on part of Senate*

DON MYERS

PAT COLLOTON

L. CANDY RUFF

*Conferees on part of House*

On motion of Rep. Ruff, the conference committee report on **S. Sub. for HB 2923** was adopted.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Judy Morrison.

Present but not voting: None.  
Absent or not voting: Masterson.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, to suspend the rule for the purpose of considering **H. Sub. for SB 329**, the motion did not prevail.

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 658** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL No. 658," as follows:

"HOUSE Substitute for SENATE BILL No. 658

By Committee on Appropriations

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2008, June 30, 2009, and June 30, 2010, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2007 Supp. 74-99b16 and section 86 of 2008 Senate Bill No. 534, and repealing the existing sections."; and the substitute bill be passed.

(**H. Sub. for SB 658** was thereupon introduced and read by title.)

#### REPORT ON ENGROSSED BILLS

**HB 2721** reported correctly engrossed April 7, 2008.

Also, **S. Sub. for HB 2006; HB 2637, HB 2908** reported correctly engrossed April 8, 2008.

#### REPORT ON ENROLLED BILLS

**HB 2660, HB 2897, HB 2968** reported correctly enrolled, properly signed and presented to the governor on April 8, 2008.

Also, **Sub. HB 2018; S. Sub. for HB 2097; HB 2280; Sub. HB 2562; S. Sub. for HB 2590; HB 2672, HB 2721, HB 2771, HB 2892** reported correctly enrolled and properly signed on April 11, 2008.

Also, **S. Sub. for 2006; HB 2110, HB 2637, HB 2744, HB 2908** reported correctly enrolled, properly signed and presented to the Governor on April 14, 2008.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Thursday, May 1, 2008.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

