

Journal of the House

SIXTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Saturday, May 3, 2008, 10:00 a.m.

The House met pursuant to recess with Speaker Neufeld in the chair.
The roll was called with 117 members present.
Rep. Kelley was excused on verified illness.
Reps. Aurand, Frownfelter, Hill, Huntington, Owens, Patton and Shultz were excused on excused absence by the Speaker.
Present later: Reps. Aurand, Frownfelter, Hill, Owens and Patton.

Prayer by guest chaplain, the Rev. Kenneth L. Butts, pastor, College Heights United Methodist Church, Pittsburg, and guest of Rep. Menghini:

Sometimes it is not the words that we say, but the focus of ourselves and our lives. Let us therefore focus ourselves in prayer to God — Creator, Redeemer and Sustainer.

We pause in our busy lives to seek your real presence with us and this elected body as they collectively seek justice for all the people of Kansas. As they are called to provide leadership as Kansas moves into a new time and addresses new problems, which are both complex in nature and use limited available resources to solve, please give us all insight and understanding.

Please grant to all your mercy, your grace and forgiveness. In the name of Christ, Amen.

The Pledge of Allegiance was led by Rep. Holland.

INTRODUCTION OF GUESTS

I rise on a point of personal privilege to introduce this esteemed body to Spc Robert (Scott) Stephenson. As you will learn, Scott is an extraordinary Kansan to whom all of us owe a great deal. More importantly Scott is a Kansas hero who inspires all of us not only for what he has done, but for the example he leads in his everyday life.

Scott is accompanied by his family: his mother and stepfather, Luana and Michael Schneider, his father and stepmother Michael and Christina Stephenson, and siblings Mike and Sarah. Thank you for lending your son to defend America.

I have had the privilege to play a minor role as one of Scott's plastic surgeons. I met him through Iraq Star which is a group of plastic surgeons who volunteer free surgery for America's wounded warriors. We try to work closely with our military counterparts to help those who sacrifice so much for our freedom.

Scott was born and reared in Atchison KS. He graduated high school in 2003 and joined the Army in Oct of 2004. He attended boot camp and airborne school at Ft Benning GA. He received additional training at Ft. Bragg NC. In June of 2005 he was sent to a brand new airborne unit in Ft Richardson AK. 3/509th AB. Scott excelled in the Army and as a SAW gunner and Paratrooper.

In Oct of 2006 his brigade was sent to Iraq. On Nov 25, 2006 his Humvee was hit with an Improvised Explosive Device, consisting of a 155 round with 10 gallons of gasoline as an accelerant. The explosion hit the fuel cell in his Humvee and covered in Scott in both

gasoline and diesel fuel. Scott suffered massive burns to 60-70% of his body, severe shrapnel injuries and other numerous injuries.

There are somethings worse than the fires of Hell. Despite fabulous care, the chances of surviving injuries like Scott's are minimal. Scott is here today because of his will to live and the prayers of many friends and family. Scott demonstrates the triumph of the human spirit. Scott spent 1 year at Ft. Sam Houston in San Antonio TX before transferring to Ft. Leavenworth to live at home.

Scott loves sports, he played football and indoor soccer throughout high school, some baseball and track as well. He is a huge KU fan and absolutely loves the Chiefs and the Royals. Scott has a 3 year old son Akai and a huge family. He loves video games and is a horror movie fan. He loves ATVing and hunting and fishing. He will be returning to Ft. Sam Houston in June for more surgeries. He is planning on attending Benedictine College in Atchison KS in the fall semester. Scott has received several medals including the Purple Heart and his jump wings.

Scott Stephenson is an inspiration. He shows all Kansans that we are not defined by the things that happen to you. Rather we are defined by how we choose to live our lives no matter what befalls us.

Thank you, Scott, for your service and sacrifice to Kansas and your country. Thank you, Scott, for your humor and love of life. And thank you for being an inspiration for all Kansans.

CHANGE OF CONFEREES

Speaker Neufeld announced the appointment of Rep. C. Holmes as a member of the conference committee on **S. Sub. for HB 2412** to replace Rep. Carlson.

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 **SB 702, SB 703**.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Siegfried in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Siegfried, Committee of the Whole report, as follows, was adopted: Recommended that **SB 702, SB 703** be passed.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick pursuant to House Rule 2311, **SB 702, SB 703** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 702, An act concerning exceptions to disclosure under the open records act, was considered on final action.

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

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, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, 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, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, 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: Aurand, Frownfelter, Hill, Huntington, Kelley, Owens, Patton, Shultz.

The bill passed.

SB 703, An act reconciling amendments to certain statutes; amending K.S.A. 21-3110, 36-504, as amended by section 5 of 2008 Senate Bill No. 557, 59-3069 and 65-1657, as amended by section 2 of 2008 House Bill No. 2207, and K.S.A. 2007 Supp. 8-2110, as amended by section 1 of 2008 Senate Bill No. 366, 44-322a, 55-193, as amended by section 1 of 2008 House Bill No. 2735, and 75-4209, as amended by section 9 of 2008 House Substitute for Senate Bill No. 387, and repealing the existing sections; also repealing K.S.A. 21-3110b, 36-504, as amended by section 13 of 2008 Senate Bill No. 584, 59-3069, as amended by section 9 of 2008 House Bill No. 2644, 65-1657, as amended by section 17 of 2008 Senate Bill No. 491, and 65-4603 and K.S.A. 2007 Supp. 8-2110, as amended by section 3 of 2008 House Bill No. 2968, 44-322a, as amended by section 14 of chapter 145 of the 2004 Session Laws of Kansas, 55-193, as amended by section 166 of 2008 Senate Bill No. 534, 72-6624a, 72-6625a and 75-4209, as amended by section 1 of 2008 Senate Bill No. 472, was considered on final action.

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

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, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, 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, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, 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: Aurand, Frownfelter, Hill, Hodge, Huntington, Kelley, Owens, Patton, Shultz.

The bill passed.

MESSAGE FROM THE SENATE

The President announced the appointment of Senator D. Schmidt as a member of the conference committees on **HB 2617**, **HB 2707** to replace Senator Bruce.

On motion of Rep. Merrick, the House recessed until 1:00 p.m.

EARLY AFTERNOON SESSION

The House met pursuant to recess with Speaker Neufeld in the chair.

On motion of Rep. Merrick, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker Neufeld in the chair.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 196**.
 The Senate adopts conference committee report on **Sub. SB 453**.
 The Senate adopts conference committee report on **HB 2307**.
 The Senate adopts conference committee report on **S. Sub. for HB 2315**.
 The Senate adopts conference committee report on **S. Sub. for HB 2936**.

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 2307; S. Sub. for HB 2315**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 81**, 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, after line 39, by inserting the following:
 “(e) The provisions of this section shall not take effect until July 1, 2008.”;
 On page 2, after line 34, by inserting the following:
 “(d) The provisions of this section shall not take effect until July 1, 2008.”;
 On page 17, in line 3, before “K.S.A.” by inserting “On July 1, 2008.”;
 On page 20, by striking all in lines 13 through 43;
 By striking all on pages 21 and 22;
 On page 23, by striking all in lines 1 through 22;
 And by renumbering the remaining sections accordingly;
 Also on page 23, in line 23, before “K.S.A.” by inserting “On July 1, 2008.”; in line 34, by striking “\$3,000,000” and inserting “\$2,000,000”;
 On page 24, in line 24, before “K.S.A.” by inserting “On July 1, 2008.”;
 On page 33, in line 33, after “(3)” by inserting “The employer shall give the employee and such employee’s covered dependents reasonable notice of the right to continuation of coverage.”; also in line 33, by striking “insurer” and inserting “employer”;
 On page 38, in line 25, before “K.S.A.” by inserting “On July 1, 2008.”;
 On page 42, in line 37, before “K.S.A.” by inserting “On July 1, 2008.”;
 On page 43, in line 25, after the period, by inserting “The employer shall give the employee and such employee’s dependents reasonable notice of the right to continuation of coverage. The terminated employee shall pay the employer the premium for the continuation of coverage and such premium shall be the same as that applicable to members or employees remaining in the group.”;
 On page 45, in line 36, before “K.S.A.” by inserting “On July 1, 2008.”;
 On page 47, in line 6, before “K.S.A.” by inserting “On July 1, 2008.”; in line 42, before “K.S.A.” by inserting “On July 1, 2008.”;
 On page 48, in line 40, by striking all after “(d)”; by striking all in lines 41 through 43;
 On page 49, by striking all in lines 1 through 3 and inserting the following:
 “(d) (1) Commencing with the 2009 plan year that begins January 1, 2009, if a state employee elects the high deductible health plan and health savings account, the state’s employer contribution shall equal the state’s contribution to any other health benefit plan offered by the state. The cost savings to the state for the high deductible health plan shall be deposited monthly into the employee’s health savings account up to the maximum annual amount allowed pursuant to subsection (d) of 26 U.S.C. 223, as amended, for as long as the employee participates in the high deductible plan.
 (2) If the employee had not previously participated in the state health benefits plan, the employer shall calculate the average savings to the employer of the high deductible plan compared to the other available plans and contribute that amount monthly to the employee’s health savings account up to the maximum annual amount allowed pursuant to subsection (d) of 26 U.S.C. 223, as amended.

(3) The employer shall allow additional voluntary contributions by the employee to their health savings account by payroll deduction up to the maximum annual amount allowed pursuant to subsection (d) of 26 U.S.C. 223, as amended.”;

Also on page 49, in line 15, before “K.S.A.” by inserting “On July 1, 2008.”;

On page 60, in line 9, before “K.S.A.” by inserting “On July 1, 2008.”;

On page 62, in line 33, after the period, by inserting “Except that compliance with a medical home delivery system shall not be required of program participants receiving treatment in accordance with a religious method of healing pursuant to the provisions of K.S.A. 2007 Supp. 75-6501, and amendments thereto.”; after line 37, by inserting the following:

“(e) The provisions of this section shall not take effect until July 1, 2008.”;

On page 64, in line 22, before “K.S.A.” by inserting “On July 1, 2008.”;

On page 66, in line 11, before “K.S.A.” by inserting “On July 1, 2008.”;

On page 68, in line 30, before “K.S.A.” by inserting “On July 1, 2008.”;

On page 69, in line 30, before “K.S.A.” by inserting “On July 1, 2008.”;

On page 70, by striking all in lines 39 through 43;

On page 71, by striking all in lines 1 through 29;

And by renumbering the remaining sections accordingly;

Also on page 71, in line 32, by striking all after “(a)”;

by striking all in lines 33 through 35; in line 36, by striking “(b)”;

by striking all in lines 38 through 41; in line 42, by striking “(d)” and inserting “(b)”;

On page 72, in line 3, by striking “(e)” and inserting “(c)”;

after line 4, by inserting the following:

“(d) The provisions of this section shall not take effect until July 1, 2008.”;

Also on page 72, in line 5, before “The” by inserting “(a)”;

in line 10, by striking “\$4,000,000” and inserting “\$1,500,000”;

after line 10, by inserting the following:

“(b) The provisions of this section shall not take effect until July 1, 2008.”;

Also on page 72, in line 11, before “K.S.A.” by inserting “On July 1, 2008.”;

after line 32, by inserting the following:

“Sec. 22. On July 1, 2008, K.S.A. 2007 Supp. 38-2001 is hereby amended to read as follows: 38-2001. (a) ~~The secretary of social and rehabilitation services~~ *Kansas health policy authority* shall develop and submit a plan consistent with federal guidelines established under section 4901 of public law 105-33 (42 U.S.C. 1397aa et seq.; title XXI).

(b) The plan developed under subsection (a) shall be a capitated managed care plan covering Kansas children from zero to 19 years which:

(1) Contains benefit levels at least equal to those for the early and periodic screening, diagnosis and treatment program;

(2) provides for presumptive eligibility for children where applicable;

(3) provides continuous eligibility for 12 months once a formal determination is made that a child is eligible subject to subsection (e);

(4) has performance based contracting with measurable outcomes indicating age appropriate utilization of plan services to include, but not limited to, such measurable services as immunizations, vision, hearing and dental exams, emergency room utilization, annual physical exams and asthma;

(5) shall use the same prior authorization standards and requirements as used for health care services under medicaid to further the goal of seamlessness of coverage between the two programs; ~~and~~

(6) ~~will~~ *shall* provide targeted low-income children, as defined under section 4901 of public law 105-33 (42 U.S.C. 1397aa, et seq.), coverage subject to appropriations;

(7) *shall provide coverage, subject to appropriation of funds and eligibility requirements, for children residing in a household having a gross household income (A) for 2009, at or under 225% of the 2008 federal poverty income guidelines and (B) for 2010 and subsequent years, at or under 250% of the 2008 federal poverty income guidelines; the participants receiving coverage shall contribute to the payment for such coverage through a sliding-fee scale based upon ability to pay as established by rules and regulations of the Kansas health policy authority; and*

(8) *contains a provision which requires the newly enrolled participants with a family income over 200% of the federal poverty income guidelines to wait at least 8 months before*

participating in this program, if such participants previously had comprehensive health benefit coverage through an individual policy or a health benefit plan provided by any health insurer as defined in K.S.A. 40-4602, and amendments thereto. This waiting period provision shall not apply when the prior coverage ended due to loss of employment other than the voluntary termination, change to a new employer that does not provide an option for dependent coverage, discontinuation of health benefits to all employees, expiration of COBRA coverage period or any other situations where the prior coverage ended due to reasons unrelated to the availability of this program.

(c) The ~~secretary~~ *Kansas health policy authority* is authorized to contract with entities authorized to transact health insurance business in this state to implement the health insurance coverage plan pursuant to subsection (a) providing for several plan options to enrollees which are coordinated with federal and state child health care programs, except that when contracting to provide managed mental health care services the ~~secretary~~ *Kansas health policy authority* shall assure that contracted entities demonstrate the ability to provide a full array of mental health services in accordance with the early and periodic screening, diagnosis and treatment plan. The ~~secretary~~ *Kansas health policy authority* shall not develop a request for proposal process which excludes community mental health centers from the opportunity to bid for managed mental health care services.

(d) When developing and implementing the plan in subsection (a), the ~~secretary~~ *Kansas health policy authority* to the extent authorized by law:

(1) Shall include provisions that encourage contracting insurers to utilize and coordinate with existing community health care institutions and providers;

(2) may work with public health care providers and other community resources to provide educational programs promoting healthy lifestyles and appropriate use of the plan's health services;

(3) shall plan for outreach and maximum enrollment of eligible children through cooperation with local health departments, schools, child care facilities and other community institutions and providers;

(4) shall provide for a simplified enrollment plan;

(5) shall provide cost sharing as allowed by law;

(6) shall not count the caring program for children, the Kansas health insurance association plan or any charity health care plan as insurance under subsection (e)(1);

(7) may provide for payment of health insurance premiums, including contributions to a ~~medical~~ *health savings account* if applicable, *and, in conjunction with an employer sponsored insurance premium assistance plan, may provide that supplemental benefits be purchased outside of the capitated managed care plan*, if it is determined cost effective, taking into account the number of children to be served and the benefits to be provided; ~~and~~

(8) may provide that prescription drugs, transportation services and dental services are purchased outside of the capitated managed care plan to improve the efficiency, accessibility and effectiveness of the program; *and*

(9) *shall include a provision that requires any individual to be a citizen or an alien lawfully admitted to the United States for purposes of establishing eligibility for benefits under the plan and to present satisfactory documentary evidence of citizenship or lawful admission of the individual. The criteria for determining whether the documentation is satisfactory shall be no more restrictive than the criteria used by the social security administration to determine citizenship. A document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe, such as a tribal enrollment card or certificate of degree of Indian blood shall be satisfactory documentary evidence of citizenship or lawful admission.*

(e) A child shall not be eligible for coverage and shall lose coverage under the plan developed under subsection (a) of K.S.A. 38-2001, and amendments thereto, if such child's family has not paid the enrollee's applicable share of any premium due.

If the family pays all of the delinquent premiums owed during the year, such child will again be eligible for coverage for the remaining months of the continuous eligibility period.

(f) The plan developed under section 4901 of public law 105-33 (42 U.S.C. 1397aa et seq., and amendments thereto) is not an entitlement program. The availability of the plan benefits shall be subject to funds appropriated. The ~~secretary~~ *Kansas health policy authority*

shall not utilize waiting lists, but shall monitor costs of the program and make necessary adjustments to stay within the program's appropriations.

(g) Eligibility and benefits under the plan prescribed by subsection (b)(7) are not and shall not be construed to be entitlements, are for legal residents of the state of Kansas and are subject to availability of state and federal funds and to any state and federal requirements and the provisions of appropriation acts. If the Kansas health policy authority determines that the available federal funds and the state funds appropriated are insufficient to sustain coverage for the income eligibility levels prescribed by subsection (b)(7), a lower income level shall be adopted and implemented by the Kansas health policy authority, within the limits of appropriations available therefor, and all such changes shall be published by the Kansas health policy authority in the Kansas register.

Sec. 23. On July 1, 2008, K.S.A. 2007 Supp. 75-7408 is hereby amended to read as follows: 75-7408. (a) On and after July 1, 2006, the Kansas health policy authority shall coordinate health care planning, administration, and purchasing and analysis of health data for the state of Kansas with respect to the following health programs administered by the state of Kansas:

(1) Developing, implementing, and administering programs that provide medical assistance, health insurance programs, or waivers granted thereunder for persons who are needy, uninsured, or both, and that are financed by federal funds or state funds, or both, including the following:

(A) The Kansas program of medical assistance established in accordance with title XIX of the federal social security act, 42 U.S.C. § 1396 et seq., and amendments thereto;

(B) the health benefits program for children established under K.S.A. 38-2001 et seq., and amendments thereto, and developed and submitted in accordance with federal guidelines established under title XXI of the federal social security act, section 4901 of public law 105-33, 42 U.S.C. § 1397aa et seq., and amendments thereto;

(C) any program of medical assistance for needy persons financed by state funds only, to the extent appropriations are made for such a program;

(D) the working healthy portion of the ticket to work program under the federal work incentive improvement act and the medicaid infrastructure grants received for the working healthy portion of the ticket to work program; *and*

(E) the medicaid management information system (MMIS); ~~and~~

~~—(F) a phased-in premium assistance plan to assist eligible low income Kansas residents with the purchase of private insurance or other benefits that are actuarially equivalent to the Kansas state employee health plan under a program authorized under subsection (a)(1). In program years one and two, subject to appropriation of funds and other eligibility requirements, eligible participants shall consist of families at and under 50% of the federal poverty level. Subject to appropriation of funds and other eligibility requirements, eligible participants in program year three shall consist of families at and under 75% of the federal poverty level. Subject to appropriation of funds and other eligibility requirements, eligible participants in program year four shall consist of families at and under 100% of the federal poverty level. The Kansas health policy authority is authorized to seek any approval from the centers for medicare and medicaid services necessary to accomplish the development or expansion of premium assistance programs for families;~~

(2) the restrictive drug formulary, the drug utilization review program, including oversight of the medicaid drug utilization review board, and the electronic claims management system as provided in K.S.A. 39-7,116 through 39-7,121 and K.S.A. 2007 Supp. 39-7,121a through 39-7,121e, and amendments thereto; and

(3) administering any other health programs delegated to the Kansas health policy authority by the governor or by a contract with another state agency.

(b) Except to the extent required by its single state agency role as designated in K.S.A. 2007 Supp. 75-7409, and amendments thereto, or as otherwise provided pursuant to this act the Kansas health policy authority shall not be responsible for health care planning, administration, purchasing and data with respect to the following:

(1) The mental health reform act, K.S.A. 39-1601 et seq., and amendments thereto;

(2) the developmental disabilities reform act, K.S.A. 39-1801 et seq., and amendments thereto;

- (3) the mental health program of the state of Kansas as prescribed under K.S.A. 75-3304a, and amendments thereto;
- (4) the addiction and prevention services prescribed under K.S.A. 65-4001 et seq., and amendments thereto; or
- (5) any institution, as defined in K.S.A. 76-12a01, and amendments thereto.

Sec. 24.

DEPARTMENT OF HEALTH AND ENVIRONMENT—DIVISION OF HEALTH

(a) The legislature, acting during the 2008 regular session, adopts the following specific recommendations providing funding for the following priorities for fiscal year 2009:

Primary care safety net clinics.....	\$2,500,000
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Sec. 25.

UNIVERSITY OF KANSAS MEDICAL CENTER

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

Wichita center for graduate medical education	
For the fiscal year ending June 30, 2009.....	\$1,500,000

Provided, That \$7,100,000 has been requested by the Wichita center for graduate medical education from the Kansas bioscience authority for research-oriented grant funding; *Provided further*, That expenditures shall be made from the Wichita center for graduate medical education account for purposes of funding non-research needs such as offsite or rural rotation for which medicare funding has been terminated or for purposes of attaining adequate standard for accreditation of the WCGME residency program.

New Sec. 26. (a) There is hereby established the physician workforce and accreditation task force, which is referred to in this section as the task force. The task force shall be composed of 12 members appointed as follows: (1) Two members who are members of the medical faculty or administrators of the school of medicine of the university of Kansas medical center, of which one member shall be from the Kansas City campus and one member shall be from the Wichita campus, who shall be appointed by the dean of the school of medicine of the university of Kansas medical center; (2) two members who are practicing medicine in Kansas and are current or former participants in a Kansas graduate medical residency program who shall be appointed by the governor; (3) one member who shall be appointed by the state board of regents; (4) one member who is representative of the Via Christi Regional Medical Center who shall be appointed by the governing body of the Wichita Center for Graduate Medical Education; (5) one member who is representative of the Wesley Medical Center who shall be appointed by the governing body of the Wichita Center for Graduate Medical Education; (6) one member who shall be appointed by the Kansas health policy authority; (7) one member who is an administrator of a rural hospital who shall be appointed by the Kansas hospital association; (8) one member who is a legislator who shall be appointed by the president of the senate; (9) one member who is a legislator who shall be appointed by the speaker of the house of representatives; (10) one member who is a legislator who shall be appointed by the minority leader of the senate; and (11) one member who is a legislator who shall be appointed by the minority leader of the house of representatives.

(b) The speaker of the house of representatives shall designate one member to serve as chairperson of the task force and the president of the senate shall designate one member to serve as the vice-chairperson of the task force. The task force shall meet on call of the chairperson or on the request of seven members of the task force, subject to approval by the legislative coordinating council.

(c) Seven members of the task force shall constitute a quorum. All actions of the task force shall be taken by a majority of all members of the task force.

(d) The task force shall study and adopt recommendations regarding the physician work force and accreditation issues, including: (1) How best to maintain accreditation of graduate medical education programs sponsored by the university of Kansas school of medicine in Kansas City and Wichita, with special attention to maintaining the existing partnerships with Via Christi Regional Medical Center, Wesley Medical Center and the university of Kansas medical center - Wichita; (2) recommendations for the necessary and appropriate level of

funding for graduate medical education sponsored by the university of Kansas; (3) alternative means of obtaining such funding; and (4) a strategic plan to accomplish such matters.

(e) The task force shall report its findings and recommendations to the committee on ways and means of the senate and the committee on appropriations of the house of representatives prior to the beginning of the 2009 regular session of the legislature.

(f) The staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the task force and authorized by the legislative coordinating council.

New Sec. 27. (a) The Kansas health policy authority, subject to appropriations, may establish a pilot program implementing access to care programs for outreach to increase enrollment of children in medicaid and healthwave with priority given to rural and safety net clinics, the cost of which shall not exceed \$550,000 per year.

(b) The Kansas health policy authority shall report its findings and any recommendations which the Kansas health policy authority may have concerning the pilot program established under this section to the governor, the joint committee on health policy oversight and the legislature annually.

(c) The provisions of this section shall expire on July 1, 2010.

(d) The provisions of this section shall not take effect until July 1, 2008.”;

And by renumbering the remaining sections accordingly;

Also on page 72, in line 33, before “K.S.A.” by inserting “On July 1, 2008.”; also in line 33, by striking “40-2119.”; in line 34, after “Supp.” by inserting “38-2001.”; in line 35, after “75-7401” by inserting “, 75-7408”; in line 38, by striking “statute book” and inserting “Kansas register”;

On page 1, in the title, in line 15, after the semicolon by inserting “appropriations therefor.”; in line 16, by striking “40-2119.”; in line 17, after “Supp.” by inserting “38-2001.”; in line 18, after “75-7401” by inserting “, 75-7408 ”;

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

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

SUSAN WAGLE
PETE BRUNGARDT
DAVID HALEY
Conferees on part of Senate

On motion of Rep. Landwehr, the conference committee report on **H. Sub. for SB 81** was adopted.

On roll call, the vote was: Yeas 104; Nays 16; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Beamer, Bethell, Brown, Carlson, Dahl, Donohoe, Faber, Hodge, Humerickhouse, King, Kinzer, Knox, Masterson, Merrick, Olson, Siegfried.

Present but not voting: None.

Absent or not voting: Frownfelter, Huntington, Kelley, Shultz, Svaty.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2307**, 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 14 through 43;

On page 2, by striking all in lines 1 through 33 and inserting the following:

“Section 1. K.S.A. 25-433 is hereby amended to read as follows: 25-433. (a) The county election officer shall mail all official ballots with a return identification envelope and instructions sufficient to describe the voting process to each elector entitled to vote in the election on one date not sooner than the 20th day before the date of the election and not later than the 10th day before the date of the election. Ballots mailed by the county election officer shall be addressed to the address of each elector appearing in the registration records, and placed in an envelope which is prominently marked “Do Not Forward.” *Ballots shall not be mailed to any inactive voter who, based on information provided by the postal service, appears to have moved to a residence address outside the county in which the voter is currently registered and who has been mailed a confirmation notice as described in subparagraph (4) of subsection (e) of K.S.A. 25-2316c, and amendments thereto, or because a “Forwarding Order Expired” or “Moved No Forwarding Address” notice was received from the post office. Any inactive voter who believes such voter is entitled to vote in the election may request a replacement ballot as provided for in subsection (d) of this section.*

(b) Upon receipt of the ballot the elector shall mark it, sign the return identification envelope supplied with the ballot and comply with the instructions provided with the ballot. The elector may return the marked ballot to the county election officer by United States mail, if it is received by the county election officer by the date of the election, or personally deliver the ballot to the office of the county election officer before noon on the date of the election. The ballot shall be returned in the return identification envelope. The county election officer shall provide for the payment of postage for the return of ballot envelopes.

(c) The return identification envelope shall contain the following form:

I declare under penalty of election perjury, a felony, that I am a resident and a qualified voter for this election as shown on voter registration records and that I have voted the enclosed ballot and am returning it in compliance with Kansas law, and amendments thereto, and have not and will not vote more than one ballot in this election.

I also understand that failure to complete the information below will invalidate my ballot.

Signature

Residence Address

(d) If the ballot is destroyed, spoiled, lost or not received by the elector, the elector may obtain a replacement ballot from the county election officer as provided in this subsection. An elector seeking a replacement ballot shall sign a statement verified on oath or affirmation, on a form prescribed by the secretary of state, that the ballot was destroyed, spoiled, lost or not received. The applicant shall deliver the statement to the county election officer before noon on the date of the election. The applicant may mail the statement to the county election officer, except a county election officer shall not transmit a ballot by mail under this subsection unless the application is received prior to the close of business on the second day prior to the election. When an application is timely received under this subsection, the county election officer shall deliver the ballot to the voter if the voter is present in the office of the county election officer, or promptly transmit the ballot by mail to the voter at the address contained in the application, except when prohibited in this subsection. The county election officer shall keep a record of each replacement ballot provided under this subsection.

(e) A ballot shall be counted only if: (1) It is returned in the return identification envelope; (2) the envelope is signed by the elector to whom the ballot is issued; and (3) the signature has been verified as provided in this subsection. The county election officer shall verify the signature of each elector on the return identification envelope with the signature on the elector's registration records and may commence verification at any time prior to the canvass of the election. If the county election officer determines that an elector to whom a replacement ballot has been issued under subsection (d) has voted more than once, the county election officer shall not count any ballot cast by that elector.

(f) The county election officer shall supervise the procedures for the handling and canvassing of ballots to insure the safety and confidentiality of all ballots properly cast.

(g) The names of voters whose mail ballot envelopes are returned to the county election officer as "undeliverable" shall be subject to removal from the voter registration book and party affiliation list in the manner provided in subsection (d) of K.S.A. 25-2316c, and amendments thereto.

Sec. 2. From and after July 1, 2008, K.S.A. 25-2021 is hereby amended to read as follows: 25-2021. ~~(a) In school districts in which a member district method of election is in effect, if there are more than two (2) qualified candidates for one (1) member position in any member district, the county election officer shall call, and there shall be held, a primary election in each such member district and, if there are more than two (2) qualified candidates for the at-large member position, the county election officer shall call, and there shall be held, a primary election in such school district. The names of the two (2) candidates receiving the greatest number of votes for any member position at the primary election shall appear on the ballots in the general election.~~

~~— (b) In school districts having the election at large method, if there are more than two (2) times the number of candidates as there are board members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are board members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election.~~

~~— (c) If a member is to be elected to fill an unexpired term the rules in this section shall be modified consistent with the provisions of this subsection. If there are more than two (2) candidates for such unexpired term, the county election officer shall call and there shall be held, a primary election. The names of the two (2) candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election.~~

~~— (d) No ballot in a primary school election shall have either names or write-in blanks for any board member position unless more than two (2) candidates have filed for such position.~~

(a) A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of school district board members shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are board members to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general school board election ballot.

~~(b)~~ *(b) On the ballots in general school elections, blank lines for the name of write-in candidates shall be printed at the end of the list of candidates for each different office equal to the number to be elected thereto. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary school election ballots.*

Sec. 3. From and after July 1, 2008, K.S.A. 25-2108a is hereby amended to read as follows: 25-2108a. (a) There shall be a primary election of city officers on the Tuesday preceding by five weeks the first Tuesday in April of every year that such city has a city election, except as otherwise provided in subsection (b) of this section.

(b) A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of city officers shall be held unless by holding such primary ~~one (1)~~ two or more persons will be

eliminated as candidates for office. In the event there are not more than ~~two~~ *(2) three times the number of candidates for any one office as there are officers to be elected*, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general city election ballot.

Sec. 4. From and after July 1, 2008, K.S.A. 71-1415 is hereby amended to read as follows: 71-1415. ~~(a) In any college district having a district method and in which there are more than two candidates for a member position, the election officer shall call, and there shall be held, a primary election. The names of the two candidates receiving the greatest number of votes for any member position shall appear on the ballots in the general election.~~

~~(b) In any college district having the election-at-large method and in which there are more than two times the number of candidates as there are trustees to be elected, the election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are trustees to be elected who receive the greatest number of votes in the primary shall appear on the ballots in the general election.~~

(a) A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of trustees shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are trustees to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general election ballot for the board of trustees.

~~(b)~~ *(b) In the general election, there shall appear on the ballots a line appropriate for write-in candidates. No lines for write-in candidates shall appear on the primary election ballots.*

New Sec. 5. (a) On and after the effective date of this act, any provision of a restrictive covenant which prohibits the display of political yard signs, which are less than six square feet, during a period commencing 45 days before an election and ending two days after the election is hereby declared to be against public policy and such provision shall be void and unenforceable.

(b) The provisions of this section shall apply to any restrictive covenant in existence on the effective date of this act.

Sec. 6. From and after July 1, 2008, K.S.A. 25-2021, 25-2108a and 71-1415 are hereby repealed.

Sec. 7. K.S.A. 25-433 is hereby repealed.

Sec. 8. From and after January 1, 2010, K.S.A. 25-433, as amended by Section 3 of 2008 Senate Bill No. 562, K.S.A. 25-2021, as amended by Section 4 of 2008 Senate Bill No. 562, 25-2108a, as amended by Section 5 of 2008 Senate Bill No. 562, 71-1415, as amended by Section 6 of 2008 Senate Bill No. 562 and Section 7 of 2008 Senate Bill No. 562 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, by striking all in lines 10 and 11 and inserting “AN ACT concerning elections; pertaining to mail ballot elections; pertaining to mailing of ballots to inactive voters in local question submitted elections conducted by mail ballot; pertaining to certain primary elections; pertaining to political yard signs; amending K.S.A. 25-433, 25-2021, 25-2108a and 71-1415 and repealing the existing sections; also repealing K.S.A. 25-433, as amended by Section 3 of 2008 Senate Bill No. 562, K.S.A. 25-2021, as amended by Section 4 of 2008 Senate Bill No. 562, K.S.A. 25-2108a, as amended by section 5 of 2008 Senate Bill No. 562 and K.S.A. 71-1415, as amended by Section 6 of 2008 Senate Bill No. 562 and Section 7 of 208 Senate Bill No. 562.”;

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

TIM HUELSKAMP
 ROGER P. REITZ
 ANTHONY HENSLEY
Conferees on part of Senate

MICHAEL B. BURGESS
 TED POWERS
 TOM SAWYER
Conferees on part of House

On motion of Rep. Burgess, the conference committee report on **HB 2307** 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, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, 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, Siegfried, Sloan, Spalding, Storm, 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: Frownfelter, Huntington, Kelley, Shultz, Svaty.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2315**, submits the following report:

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

On page 4, in line 13, following the semicolon by inserting "and"; in line 14, by striking all following "(2)"; by striking all in lines 15 and 16; in line 17, by striking all preceding the period and inserting "two members shall be at-large members neither of whom shall be a home inspector";

On page 6, in line 37, by striking "(a)";

On page 7, in line 17, preceding "On" by inserting "(a)"; in line 18, by striking "under this act in the state of Kansas" and inserting "in section 1, and amendments thereto, in counties with a population of 60,000 or more"; in line 19, following the period by inserting the following:

"(b) On and after January 1, 2011, all individuals performing home inspections as defined in section 1, and amendments thereto, shall be required to file a written registration with the board.

(c)";

Also on page 7, in line 20, by striking "(a)" and inserting "(1)"; in line 21, by striking "(b)" and inserting "(2)"; also in line 21, following "equivalent" by inserting ", unless such individual is engaged in the practice of performing home inspections on the effective date of this act"; in line 22, by striking "(c)" and inserting "(3)"; in line 23, by striking "\$250,000" and inserting "\$100,000"; by striking all in lines 24 through 26; in line 27, by striking "(e)" and inserting "(4)"; in line 28, by striking "(1)" and inserting "(A)"; in line 29, by striking "(2)" and inserting "(B)"; in line 32, by striking "(3)" and inserting "(C)"; in line 38, by striking "(4)" and inserting "(D)";

On page 8, in line 9, by striking “(f)” and inserting “(5)”; in line 13, by striking “(g)” and inserting “(6)”; in line 16, by striking “(h)” and inserting “(7)”; in line 18, by striking “(i)” and inserting “(8)”; in line 19, by striking “(1)” and inserting “(A)”; by striking all in lines 22 through 24 and inserting the following: “(B) (i) if the individual performs home inspections in counties with a population of 60,000 or more, have been actively engaged in the practice of conducting home inspections for not fewer than two years prior to the effective date of this act and have completed not less than 100 fee-paid home inspections; or

(ii) if the individual does not perform home inspections in counties with a population of 60,000 or more, have been actively engaged in the practice of conducting home inspections for not fewer than two years prior to the effective date of this act and have completed not less than 35 fee-paid home inspections.”;

On page 9, following line 11, by inserting the following:

“(f) All home inspectors registered under this act shall provide customers and clients with a completed pre-inspection notice prior to the home inspection.”;

Also on page 9, in line 24, by striking all following “13.”; by striking all in lines 25 through 27 and inserting the following:

“(a) It shall be unlawful for an individual to perform home inspections as defined in section 1, and amendments thereto, without being registered under this act if such individual is required to register with the board pursuant to section 10, and amendments thereto.

(b) Violation of this section is a class A nonperson misdemeanor.”;

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

KARIN BROWNLEE

NICK JORDAN

JIM BARONE

Conferees on part of Senate

STEVEN R. BRUNK

S. MIKE KIEGERL

LOUIS E. RUIZ

Conferees on part of House

On motion of Rep. Brunk, the conference committee report on **S. Sub. for HB 2315** was adopted.

On roll call, the vote was: Yeas 98; Nays 22; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Aurand, Carlson, Dillmore, Feuerborn, Gordon, Hodge, Holland, Kinzer, Knox, Landwehr, Lane, McKinney, McLeland, Merrick, Olson, Otto, Patton, Powell, Siegfried, Swanson, Ward, Williams.

Present but not voting: None.

Absent or not voting: Frownfelter, Huntington, Kelley, Shultz, Svaty.

INTRODUCTION OF GUESTS

Mr. Speaker, I would like to honor two special individuals who have recently been chosen for special recognition for their service to the field of education in Kansas.

I had the unique opportunity and responsibility to serve on the selection committee for choosing the class of 2008 Kansas Teachers’ Hall of Fame inductees. Two of those individuals have given significant service to the Kansas Legislature and are in this room. I would like to introduce them at this time. One of us . . . our own Representative Ed Trimmer from

Winfield and Dale Dennis from Topeka, who is currently serving as our Deputy Commissioner of Education and School Finance administrator and expert.

Dale Dennis works very closely with the Kansas Legislature on education committees and budget committees. If anyone ever has a question or wants advice or a good opinion on the subject of education, they go to Dale. He always has the answer! He is a highly respected individual in our state and most deserving of this honor.

Rep. Ed Trimmer is a retired debate and English teacher and computer service project co-ordinator. I have gotten to know him well by sitting next to him on the House Education Committee. I became impressed early on with his knowledge and expertise, especially in education.

These men, along with five other individuals, will be formally inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 7, 2008.

Please help me extend our heartiest congratulations and best wishes to these most deserving educators.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2936**, submits the following report:

The Senate recedes from its Committee of the Whole amendments to the bill;

The House accedes to the Senate Committee amendments to the bill;

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

DWAYNE UMBARGER

JAY SCOTT EMLER

LAURA KELLY

Conferees on part of Senate

SHARON SCHWARTZ

LEE TAFANELLI

BILL FEUERBORN

Conferees on part of House

On motion of Rep. Schwartz, the conference committee report on **S. Sub. for HB 2936** was adopted.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Master-son, 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, Siegfried, Sloan, Spalding, Storm, 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: Colloton, Frownfelter, Huntington, Kelley, Shultz, Svaty.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Burgess, the House concurred in Senate amendments to **S. Sub. for HB 2947**, An act concerning open meetings; relating to serial meetings; amending K.S.A. 75-4317a and K.S.A. 2007 Supp. 75-4318 and 75-4320 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 114; Nays 7; 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, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelsey, 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, Powell, Powers, Proehl, Quigley, Rardin, Roth, Ruff, Ruiz, Sawyer, Schwartz, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crum, Hayzlett, M. Holmes, Kiegerl, McKinney, Rhoades, Schroeder.

Present but not voting: None.

Absent or not voting: Huntington, Kelley, Shultz, Svaty.

The House stood at ease until the sound of the gavel.

Speaker Neufeld called the House to order.

MESSAGES FROM THE SENATE

The Senate adopts conference committee report on **HB 2617**.

The Senate adopts conference committee report on **HB 2780**.

The Senate adopts conference committee report on **HB 2217**.

The Senate adopts the conference committee report to agree to disagree on **S. Sub. for HB 2412** and has appointed Senators Brownlee, Jordan and Barone as second conferees on the part of the Senate.

Also, the Senate adopts conference committee report on **S. Sub. for HB 2119**.

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 2217**, **HB 2617**, **HB 2780**; **S. Sub. for HB 2412**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HB 2412**, 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.

KARIN BROWNLEE

NICK JORDAN

JIM BARONE

Conferees on part of Senate

KENNY A. WILK

CARL DEAN HOLMES

Conferees on part of House

On motion of Rep. Wilk, the conference committee report on **S. Sub. for HB 2412** was adopted.

Speaker Neufeld thereupon appointed Reps. Wilk, C. Holmes and Holland as second conferees on the part of the House.

On motion of Rep. Merrick, the House recessed until 6:00 p.m.

EARLY EVENING SESSION

The House met pursuant to recess with Speaker Neufeld in the chair.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **H. Sub. for SB 81**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2119**, submits the following report:

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

On page 1, in line 26, after “(2)” by inserting “on any public highway or street”; by striking all in lines 36 through 43;

On page 2, by striking all in lines 1 through 13;

By renumbering the remaining sections accordingly;

On page 6, by striking all in lines 1 through 5; by striking all in line 12;

By renumbering the remaining paragraphs accordingly;

On page 8, in line 36, by striking “sec”; in line 37, by striking “tions 1 and 3” and inserting “section 1”;

On page 12, by striking all in line 28;

In the title, in line 11, by striking “and golf”; in line 12, by striking “carts”;

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

LES DONOVAN
DENNIS WILSON
MARK S. GILSTRAP
Conferees on part of Senate

GARY K. HAYZLETT
VIRGIL PECK
MARGARET LONG
Conferees on part of House

On motion of Rep. Hayzlett, the conference committee report on **S. Sub. for HB 2119** was adopted.

On roll call, the vote was: Yeas 90; Nays 27; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Beamer, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Dillmore, Donohoe, Faber, Faust-Goudeau, Flora, Frownfelter, Fund, Gattewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Hodge, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Light, Loganbill, Lukert, Mah, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Otto, Owens, Palmer, Patton, Peck, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Schroeder, Schwartz, Siegfried, Spalding, Storm, Svaty, Swenson, Tafanelli, Trimmer, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Bethell, Burroughs, Crow, Davis, Feuerborn, Flaharty, Garcia, Goyle, Henderson, Holland, Lane, Long, McKinney, McLachlan, Menghini, Pauls, Peterson, Phelps, Pottorff, Ruiz, Sawyer, Swanson, Tietze, Treaster, Ward, Winn.

Present but not voting: None.

Absent or not voting: Carlin, C. Holmes, Huntington, Kelley, McCray-Miller, Shultz, Sloan, Wilk.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2217**, 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 page 2 and inserting the following:

“Section 1. From and after July 1, 2008, K.S.A. 2007 Supp. 79-2926 is hereby amended to read as follows: 79-2926. (a) Subject to the provisions of subsection (b), the director of accounts and reports shall prepare and prescribe forms for the annual budgets of all taxing subdivisions or municipalities of the state. Such forms shall show the information required by this act necessary and proper to disclose complete information as to the financial condition of such taxing subdivision or municipality, and the receipts and expenditures thereof, both past and anticipated.

(b) (1) From and after July 1, 2004 and based upon recommendations by the state department of education, the director shall prepare and prescribe forms for the annual budget and a summary of the proposed budget of school districts. The state department of education shall make such recommendations after considering the best practices and standards established by the government finance officers association and the association of school business officials.

(2) (A) The school district budget form shall include a separate table outlining the aggregate amount of expenditures for salaries and wages for the following categories:

- (i) Certified and noncertified administrators;
- (ii) persons employed full-time as teachers;
- (iii) other certified employees who are not employed full-time as teachers;
- (iv) classified employees;
- (v) other positions designated by the state department of education; and
- (vi) substitutes and other temporary employees.

(B) The school district budget form shall show the number of full-time employee positions specified in paragraph (A) of this subsection and the average salaries or wages for such positions.

(C) The school district budget form shall show any other information recommended by the state department of education.

(3) The summary of the proposed budget form shall include:

- (A) An overview of the proposed budget of the school district and the budgetary process;
- (B) a summary of the changes in the proposed budget from the previous budget year;
- (C) a summary of the estimated expenditures to be made and revenues to be received in the ensuing budget year and the sources of such revenue;
- (D) the internet website address for school building report cards compiled by the state department of education; and
- (E) any other information specified by the state department of education.

(4) Nothing in this subsection (b) shall be construed as limiting the authority of school districts to develop and provide material or information in addition to that required by the state department of education.

(5) The state department of education shall provide technical advice and assistance to school districts to insure compliance with the provisions of this section.

(c) All such budget and tax levy forms shall be printed by the division of printing in such quantity as required by the director. The director shall deliver the forms for school districts to the clerk of the board of education of each school district. The forms for all other taxing subdivisions or municipalities of the state shall be delivered by the director to the county clerk of each county, who shall deliver the same to the presiding officer of the governing body of the respective taxing subdivisions or municipalities within the county.

(d) Beginning in 2009, all such forms required by this section, shall be in an electronic format to facilitate filing such forms electronically.

Sec. 2. From and after July 1, 2008, K.S.A. 2007 Supp. 79-2929a is hereby amended to read as follows: 79-2929a. (a) The governing body of any taxing subdivision or municipality which is subject to the budget law provisions of K.S.A. 79-2925 through 79-2936, and amendments thereto, which proposes to amend its adopted current budget during the year in which such budget is in effect, shall be subject to the same publication, notice and public

hearing requirements as required by K.S.A. 79-2929, and amendments thereto, for the adoption of the original budget. In addition, such published budget shall show any proposed changes in the amount of expenditures, by fund. Any proposed increase in expenditures shall be balanced by previously unbudgeted increases in revenue other than ad valorem property taxes. A copy of the adopted amended budget shall be filed with the county clerk and with the director of accounts and reports. *Beginning in 2009, all such budget information shall be filed electronically with the county clerk and with the director of accounts and reports.*

(b) Whenever a clerical error in the calculation of the assessed valuation of any taxing subdivision or municipality which is subject to the provisions of K.S.A. 79-2925 through 79-2936, and amendments thereto, is discovered after the governing body has adopted the budget and prior to October 1, the governing body may amend such budget. Any budget amended pursuant to this subsection shall be subject to the same publication, notice and public hearing requirements as required by K.S.A. 79-2929, and amendments thereto, for the adoption of the original budget. A copy of such amended budget shall be filed with the county clerk and the director of the division of accounts and reports. *Beginning in 2009, all such budget information shall be filed electronically with the county clerk and with the director of accounts and reports.*

Sec. 3. From and after July 1, 2008, K.S.A. 2007 Supp. 79-2930 is hereby amended to read as follows: 79-2930. (a) Two copies of the budget certificate giving the amount of ad valorem tax to be levied and the total amount of the adopted budget of expenditures by fund, along with itemized budget forms for each and every fund and proof of publication of the notice of budget hearing containing the budget summary shall be presented to the county clerk within the time prescribed by K.S.A. 79-1801 and amendments thereto. *Beginning in 2009, all such budget information shall be filed electronically with the county clerk.* Where action has been taken under any statute to increase the amount of tax to be levied authorized by law, a statement showing the increased amount or tax levy rate voted, or a copy of the charter resolution or ordinance making the change, shall be attached to the budget each year the change is in effect.

(b) The county clerk shall make any reductions to the ad valorem tax to be levied, compute the tax levy rates based on the final equalized assessed valuation, and enter such on the budget certificate before attesting the budget, except that with regard to levies made under K.S.A. 75-2551, and amendments thereto, such levies shall be based upon the certified preliminary abstract of property values submitted to the director of property valuation pursuant to K.S.A. 79-1604, and amendments thereto. A copy of all budgets for taxing subdivisions of the county, properly attested, shall be filed with the director of accounts and reports, along with a copy of the tax levy rate summary required of the county treasurer by K.S.A. 79-2002, and amendments thereto. *Beginning in 2009, all such budget information shall be filed electronically with the director of accounts and reports.*

(c) Each fund of the adopted budget certified to the county clerk in no event shall exceed the amount of ad valorem tax to be levied and the proposed expenditures of such fund in the proposed budget as originally published. The governing body of each taxing subdivision shall not certify an amount of ad valorem taxes to be levied that is in excess of any tax levy rate or amount limitations or any aggregate tax levy limitations. The governing bodies, in fixing the amount may take into consideration and make allowance for the taxes which may not be paid, such allowance, however, shall not exceed by more than 5% the percentage of delinquency for the preceding tax year.

New Sec. 4. From and after July 1, 2008, any appointment to any board, commission, advisory group or other body made by the mayor of any city which is subject to approval of the governing body of the city must be acted upon by the governing body within 45 days of the appointment by the mayor or the appointment shall be deemed approved. The governing body of the city shall approve such appointment unless the governing body makes a specific finding by the passage of a resolution that the person is either unqualified to hold the office or is not fit to hold the office or position.

Sec. 5. From and after July 1, 2008, K.S.A. 2007 Supp. 12-1222 is hereby amended to read as follows: 12-1222. *Subject to the provisions of section 4, and amendments thereto,* upon the establishment of a library under this act the official head of a municipality shall

appoint, with the approval of the governing body, a library board for such library. In the case of a county, except for Johnson county, or township library five members shall be appointed, one for a term expiring the first April 30 following date of appointment, one for a term expiring the second April 30, following date of appointment, one for a term expiring the third April 30 following date of appointment, and two for terms expiring the fourth April 30 following date of appointment. In the case of a city library seven members shall be appointed, one for a term expiring the first April 30 following date of appointment, two for terms expiring the second April 30 following date of appointment, two for terms expiring the third April 30 following date of appointment, and two for terms expiring the fourth April 30 following date of appointment. ~~In any city having a population of more than 250,000; The governing body of such any city may, as an alternative to the membership hereinabove provided for, appoint ten 10 members to the city library board, which members shall, when first appointed, begin serving on May 1, 1975, and shall have terms as follows: Six of such members first appointed shall serve for terms of four years and four of such members first appointed shall serve for terms of two years; thereafter, upon the expiration of the terms, successors shall be appointed in each odd-numbered year to fill the vacancies created, and thereafter each member shall serve for a term of four years. In addition to the appointed members of the board the official head of the municipality shall be ex officio a member of the library board with the same powers as appointed members, but no person holding any office in the municipality shall be appointed a member while holding such office.~~

Seven members shall be appointed to the Johnson county library board. Such members, when first appointed, ~~shall begin serving on May 1, 1965, and~~ shall have terms as follows: One for a term expiring the first April 30 following date of appointment, two for terms expiring the second April 30 following date of appointment, two for terms expiring the third April 30 following date of appointment, and two for terms expiring the fourth April 30 following date of appointment.

Upon the expiration of the terms of members first appointed succeeding members shall be appointed in like manner for terms of four years. Members of library boards holding office at the effective date of this act shall continue to hold their offices until April 30 following the expiration of the terms for which appointed, and on or before May 1 following the first expiration of a term a sufficient number shall be appointed by the official head of the municipality with the approval of the governing body for terms of four years to constitute a library board of the number of members prescribed by this act.

All members appointed to a library board shall be residents of the municipality. Vacancies occasioned by removal from the municipality, resignation or otherwise, shall be filled by appointment for the unexpired term. No person who has been appointed for two consecutive four-year terms to a library board shall be eligible for further appointment to such board until one year after the expiration of the second term. Appointments made prior to the effective date of this act shall not be counted in determining eligibility for appointment hereunder. Members of library boards shall receive no compensation for their services as such but shall be allowed their actual and necessary expenses in attending meetings and in carrying out their duties as members.

Sec. 6. From and after July 1, 2008, K.S.A. 2007 Supp. 12-5711 is hereby amended to read as follows: 12-5711. (a) The governing and administrative body of the authority shall be a board consisting of six members, to be known as the riverfront board. Members of the board shall be residents of Kansas. No member of the board shall be an elected official.

(b) Members shall not be paid a salary, but shall be reimbursed for actual expenses incurred by them in the performance of their duties.

(c) Members of the board shall be appointed as follows: *Subject to the provisions of section 4, and amendments thereto*, three shall be appointed by the mayor with the approval of the council and three shall be appointed by the commission. Of the first appointees, the council and mayor shall designate one member to serve a term of one year, one to serve two years and one to serve a three-year term. The commission shall designate the terms of its appointees likewise. Should the city and county consolidate, then the members shall be appointed by the governing body of the consolidated government as set forth above.

(d) Upon the expiration of the term of any member, all successor members of the board shall be appointed and hold office for terms of three years from the date of appointment.

The city clerk or county clerk shall certify the action of the respective governing body with respect to such appointments and file such certificates as a part of the records of the office of either the city or county clerk. Before entering upon the duties of office, each member of the board shall take and subscribe the constitutional oath of office and same shall be filed in the office of the city clerk and county clerk.

(e) Any member may resign from office to take effect when a successor has been appointed and has qualified. The mayor, with the approval of the council and the commission, may remove any member of the board in case of incompetency, neglect of duty or malfeasance in office. The member shall be given a copy of the charges and an opportunity to be publicly heard in person or by counsel upon not less than 10 days' notice. In case of failure to qualify within the time required, or of abandonment of office, or in case of death, conviction of a crime involving moral turpitude or removal from office, the office of a member shall become vacant. A vacancy shall be filled for the unexpired term by appointment in the same manner as the original appointment.

(f) As soon as possible after the appointment of the initial members, the board shall organize for the transaction of business, select a chairperson and a temporary secretary from its members and adopt bylaws, rules and regulations to govern its proceedings. The initial chairperson and successors shall be elected by the board from time to time for the term of the chairperson's office as a member of the board or for the term of three years, whichever is shorter.

(g) Regular meetings of the board shall be held at least once each calendar month, the time and place of such meetings to be fixed by the board. Four members of the board shall constitute a quorum for the transaction of business.

(h) All action of the board shall be by resolution and the affirmative vote of at least three members shall be necessary for the adoption of any resolution. All such resolutions before taking effect shall be approved by the chairperson of the board and, if the chairperson approves thereof, the chairperson shall sign the same. If the chairperson does not approve any such resolution, the chairperson shall return it to the board with the chairperson's written objections thereto at the next regular meeting of the board occurring after the passage thereof. If the chairperson fails to return any resolution with the objections thereto by the prescribed time, the chairperson shall be deemed to have approved the same and it shall take effect accordingly. Upon the return of any resolution by the chairperson with the chairperson's objections, the vote by which such resolution was passed shall be reconsidered by the board. If upon reconsideration the resolution is passed by the affirmative vote of at least five members, it shall go into effect notwithstanding the veto of the chairperson. All resolutions and all proceedings of the authority and all documents and records in its possession shall be public records, and open to public inspection, except such documents and records as shall be kept or prepared by the board for use in negotiations, actions or proceedings to which the authority is a party.

Sec. 7. From and after July 1, 2008, K.S.A. 13-518 is hereby amended to read as follows: 13-518. The city clerk shall attend all meetings of the city council, keep a true record of its proceedings, and also keep a record of all official acts of the clerk, and, when necessary, shall attest them. The city clerk shall also keep and preserve them. ~~He or she~~ *The city clerk* shall also keep and preserve in the city clerk's office the corporate seal of the city, all records, public papers and documents of the city not belonging to any other office. The city clerk shall be authorized to administer oaths; and the copies of all papers filed in ~~his or her~~ *the city clerk's office*, and transcripts from the records of the proceedings of the council, including ordinances, duly certified by the city clerk under the corporate seal of the city, shall be taken as evidence in all courts of this state without further proof. The city clerk shall keep a correct account with the city and county of the financial affairs of the city treasurer, as may be provided by ordinance, and shall perform such other duties as may be prescribed by ordinance. *Subject to section 4, and amendments thereto*, the mayor may appoint one or more deputies, by and with the consent of the council; the salary of such deputy or deputies shall be fixed by ordinance.

Sec. 8. From and after July 1, 2008, K.S.A. 13-527 is hereby amended to read as follows: 13-527. *Subject to section 4, and amendments thereto*, the mayor, by and with the consent of the council, may appoint a city attorney, city prosecutor, city clerk, city treasurer, mu-

municipal judge of the municipal court, city engineer, director of public works, chief of police, policemen, and such other officers and employees as they may deem necessary for the best interests of the city, but no such officer shall be appointed until ~~his or her~~ *such officer's* term of office and salary shall have been fixed by ordinance; and all contracts of employment of auditors, accountants, engineers, attorneys, counselors and architects for any special purpose shall be authorized by ordinance.

The term of all such officers shall be provided by ordinance: ~~Provided,~~ In case of an appointment to fill a vacancy such appointee shall only serve for the remainder of the term for which ~~his or her~~ *the officer's* predecessor was appointed.

Sec. 9. From and after July 1, 2008, K.S.A. 13-1347 is hereby amended to read as follows: 13-1347. The governing body of any city or cities desiring to establish a board of park commissioners, as provided in K.S.A. 13-1346, *and amendments thereto*, may by ordinance cause a board of park commissioners to be created ~~and, thereafter,~~ *Subject to the provisions of section 4, and amendments thereto*, the mayor, by and with the consent and approval of the board of commissioners, shall appoint five ~~freeholders and~~ residents of such city or cities, well known for their intelligence and integrity, as the members of such board of park commissioners, and shall designate one to serve for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years, and thereafter the members of such board of park commissioners shall hold their offices for a term of four years and until their successor or successors shall have been appointed and qualified, and in event of the death, resignation, or other disqualification of any member of such board of park commissioners, ~~his or her~~ *such* successor shall be appointed by the governing body to fill only unexpired terms caused by such vacancy.

Any member of said board of park commissioners may be removed by the governing body of such city for the same cause as any appointive officer: ~~Provided, however, That where any city shall have heretofore, under any act of which this act is amendatory or supplemental, appointed any board of park commissioners the terms of such members holding office at the effective date of this act shall not in any wise be affected but such members shall continue to serve until the expiration of their terms of office and thereafter until their successors shall have been appointed and qualified, and two additional members shall be appointed for terms of four years.~~

Sec. 10. From and after July 1, 2008, K.S.A. 14-201 is hereby amended to read as follows: 14-201. Except as provided in K.S.A. 12-1028a, and amendments thereto, there shall be elected on the first Tuesday in April of each odd-numbered year a mayor, council members and city treasurer. *Subject to the provisions of section 4, and amendments thereto*, the mayor shall appoint, by and with the consent of the council, a municipal judge of the municipal court, a city marshal-chief of police, city clerk, city attorney, and may appoint police officers and any other officers deemed necessary. Any officers appointed and confirmed shall hold an initial term of office of not to exceed one year and until their successors are appointed and qualified. Any officers who are reappointed shall hold their offices for a term of one year and until their successors are appointed and qualified. The council shall by ordinance specify the duties and compensation of the office holders, and by ordinance may abolish any office created by the council whenever deemed expedient.

The mayor, council members and city treasurer shall hold their offices for a term of two years.

Sec. 11. From and after July 1, 2008, K.S.A. 14-695 is hereby amended to read as follows: 14-695. *Subject to the provisions of section 4, and amendments thereto*, within 30 days after the addition of the territory the board of commissioners of such city or the mayor, by and with the consent of the council, shall appoint two electors residing in the added territory to the board of trustees to serve until the next regular city election and until their successors are elected and qualified, and the board of hospital trustees shall thereafter consist of five trustees, but at all times at least two of the trustees shall be residents of the city in the added territory. At the next regular city election, two trustees from the added territory shall be elected, one for a term of one year and one for a term of two years, and a successor to the trustee whose office expires under K.S.A. 14-604 and amendments thereto who may reside anywhere in the hospital territory. Successors to the short-term trustees shall be elected for three-year terms.

The board of hospital trustees is authorized to establish and fund pension and deferred compensation plans for hospital employees and to procure contracts insuring hospital employees, their dependents, or any class or classes thereof, under a policy or policies of life, disability income, health, accident, accidental death and dismemberment and hospital, surgical and medical expense insurance. The employee's contribution, if any, to the plan and to the premium for such insurance may be deducted by the employer from the employee's salary when authorized in writing by the respective employee.

The board of hospital trustees shall also have authority to expend funds deemed necessary in recruitment or retention of professional staff including, but not limited to, the purchase of professional liability insurance for such staff.

Sec. 12. From and after July 1, 2008, K.S.A. 15-201 is hereby amended to read as follows: 15-201. Every two years an election shall be held for a mayor, and five council members. The mayor and council members shall hold their offices for two years and until their successors are elected and qualified.

Subject to the provisions of section 4, and amendments thereto, in case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council members, shall appoint an elector to fill the vacancy until the next election for that office. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the council member shall be deemed to have refused to accept the office and a vacancy shall exist. *Subject to the provisions of section 4, and amendments thereto*, the mayor may, with the consent of the remaining council members, appoint a suitable elector to fill the vacancy.

In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.

Sec. 13. From and after July 1, 2008, K.S.A. 15-204 is hereby amended to read as follows: 15-204. *Subject to the provisions of section 4, and amendments thereto*, the mayor, with the consent of the council, may appoint, at the first regular meeting of the governing body in May of each year, the following city officers: A municipal judge of the municipal court, a clerk, a treasurer, a marshal-chief of police, law enforcement officers and such other officers as deemed necessary. Such officers shall hold an initial term of office of not to exceed one year and until their successors have been appointed and qualified. Any officers who are reappointed shall hold their offices for a term of one year and until their successors are appointed and qualified. The duties and pay of the various officers shall be regulated by ordinance. Any officer may be removed by a majority vote of the total membership elected or appointed to the council and may be suspended at any time by the mayor.

Sec. 14. From and after July 1, 2008, K.S.A. 17-4757 is hereby amended to read as follows: 17-4757. (a) There is hereby created in each municipality a public body corporate and politic to be known as the "urban renewal agency" of the municipality. ~~Provided, That~~ Such agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has made the finding prescribed in K.S.A. 17-4746, *and amendments thereto*, and has elected to have the urban renewal project powers exercised by an urban renewal agency as provided in K.S.A. 17-4756, *and amendments thereto*.

(b) *Subject to the provisions of section 4, and amendments thereto*, if the urban renewal agency is authorized to transact business and exercise powers hereunder, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency which shall consist of five ~~(5)~~ commissioners. Of the commissioners first appointed, one ~~(1)~~ shall be appointed for a term of one ~~(1)~~ year; one ~~(1)~~ for a term of two ~~(2)~~ years; one ~~(1)~~ for a term of three ~~(3)~~ years; and two ~~(2)~~ for a term of four ~~(4)~~ years. On the expiration of the term of each ~~of said commissioners~~, *commissioner his, such commissioner's* successor shall be appointed for a term of four ~~(4)~~ years. Any vacancy shall be filled by appointment for the unexpired term.

(c) A commissioner shall receive no compensation for ~~his~~ services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of ~~his such commissioner's~~ duties. Each commissioner shall hold office until ~~his such commissioner's~~ successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality and such

certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers of an urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area of operation of the agency (which shall be coterminous with the area of operation of the municipality) and are otherwise eligible for such appointments under this act.

The members shall elect a chairman and vice-chairman from among the commissioners. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. ~~For such legal service as it may require,~~ An agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this act shall file, with the local governing body, on or before March 31 of each year, a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency.

(d) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed only after a hearing and after ~~he~~ *such commissioner* shall have been given a copy of the charges at least ~~ten (10)~~ 10 days prior to such hearing and have had an opportunity to be heard in person or by counsel.

Sec. 15. K.S.A. 17-1367 is hereby amended to read as follows: 17-1367. Whenever the attorney general determines the existence of an abandoned cemetery in this state, the attorney general shall immediately proceed to dissolve the cemetery corporation owning the same. Upon the dissolution of such corporation, title to all property owned by the cemetery corporation shall vest in the municipality in which the cemetery is located, *and any liens, perfected or unperfected, against such property shall be immediately quashed, null and void and unenforceable on and after January 1, 2003,* and the permanent maintenance fund, together with all investments then outstanding, and all books, records and papers of such corporation shall be transferred to the treasurer of such municipality and shall become the property thereof. Upon the transfer of such property and funds, the governing body of such municipality shall care for and maintain such cemetery with any moneys of the cemetery corporation including the principal of and income from the permanent maintenance fund and, if such moneys are insufficient to properly maintain such cemetery, with funds of the municipality. The principal of and income from the permanent maintenance fund may be deposited in any appropriate fund of the municipality or may be invested in the manner provided in K.S.A. 17-1311, *and amendments thereto,* but shall be used exclusively for care and maintenance of such cemetery.

New Sec. 16. From and after July 1, 2008, whenever an agreement of consolidation of fire services pursuant to K.S.A. 12-3910 et seq., and amendments thereto, is made between or among the city of De Soto, Kansas and Johnson county fire district no. 3, the newly created consolidated fire district shall be known and designated as Northwest consolidated fire district.

Sec. 17. From and after July 1, 2008, K.S.A. 12-3913 is hereby amended to read as follows: 12-3913. (a) The resolution creating a consolidated fire district as provided by this act, shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the area subject to the proposed consolidation. If within 60 days following the last publication of the resolution, a petition in opposition thereto, signed by not less than 5% of the registered voters residing within each of the two or more areas proposed for consolidation is filed with the county election officer, the board shall order an election to be called and held within the areas proposed to be consolidated within 90 days after the filing of such petition in the manner provided for the calling and holding of elections under

the general bond law. If a majority of the electors voting at such election shall approve the consolidation of such areas the board of county commissioners, by resolution, shall provide for the consolidation of such areas and define the boundaries of the area as consolidated. Any such consolidation shall be made prior to July 1 of any year to take effect on January 1 of the succeeding year.

(b) Any resolution creating a consolidated fire district shall provide for the dissolution or disorganization of the fire districts as they existed prior to the effective date of the creation of a consolidated fire district. The resolution creating a consolidated fire district also shall fix the amount of tax, not to exceed ~~14~~ 15 mills, that may be levied by the governing body of the consolidated fire district.

Sec. 18. From and after July 1, 2008, K.S.A. 12-3914 is hereby amended to read as follows: 12-3914. (a) Except as provided by subsection (b), upon the consolidation of any such areas the board of county commissioners shall appoint a governing body composed of at least three and not more than seven members who shall represent as nearly as possible, the geographical areas in the consolidated area. ~~In the event that two counties have joined together to create a consolidated fire district, the areas consolidated were, prior to consolidation, governed by more than one political or taxing subdivision as defined in K.S.A. 12-3902, and amendments thereto, then~~ the number of members on the governing board from each ~~county~~ subdivision shall be determined on the basis of population, but each ~~county~~ subdivision represented shall have at least one appointment to the board. ~~In the alternative, the members of the governing board may be selected by agreement among all the subdivision whose areas are consolidated. Unless otherwise agreed by the political or taxing subdivisions consolidating,~~ the members of the governing board shall be appointed as follows: Two members for a term of one year; two members for a term of two years; and three members for a term of three years. Thereafter, all members shall be appointed for a term of three years. All vacancies on the governing board shall be filled by appointment for the remainder of the unexpired term. Within 30 days after the governing body is appointed and annually thereafter, the governing body shall meet and organize by election from its membership a chairperson, vice-chairperson and treasurer. The treasurer shall give a corporate surety bond, conditioned for the faithful performance of duty and accounting for all moneys received thereby. Such bond shall be approved and be in the amount fixed by the governing body. The treasurer also shall serve as secretary to the board.

(b) The board or boards of county commissioners may serve as the governing body of ~~the~~ any consolidated fire district ~~formed by the joinder of two or more county fire districts~~ or may place the supervision of ~~the said~~ consolidated fire district under a fire district board of trustees. The board or boards of county commissioners may appoint a board of not less than three members and not more than nine members, composed of persons other than members of the board or boards of county commissioners, who shall serve at the pleasure of the board or boards of county commissioners. The fire district board of trustees, if appointed, may employ a supervisor and such other persons as may be necessary to properly operate and manage such consolidated fire district.

(c) Notwithstanding the provisions of paragraphs (a) and (b) above, any consolidation of the De Soto, Kansas fire department with Johnson county fire district no. 3 shall have a governing body of five members appointed as follows: Two members appointed by the governing body of the city of De Soto; two members appointed by the board of county commissioners of Johnson county; one member appointed alternately by the city of De Soto and by the board of county commissioners of Johnson county, provided that the initial appointment of said fifth member shall be made by the board of county commissioners of Johnson county. No more than two governing body members shall be elected or appointed officials of the city of De Soto, Kansas and no more than two governing body members may be elected or appointed officials of the current fire district no. 3 or of Johnson county government.

(d) Governing body members appointed under the procedure set out in subsection (c) above shall serve three year terms, with the initial terms staggered as follows: One member appointed by the city of De Soto, Kansas shall serve an initial term of one year and the other city appointment shall serve an initial term of two years; one member appointed by the board of county commissioners shall serve an initial term of one year and the other county

appointment shall serve an initial term of two years; the fifth member shall serve an initial term of three years.

Sec. 19. From and after July 1, 2008, K.S.A. 2007 Supp. 12-3915 is hereby amended to read as follows: 12-3915. The governing body of any fire district created pursuant to this act shall have the authority to:

- (a) Levy taxes and special assessments as provided by law. Except as provided by K.S.A. 12-3913, and amendments thereto, the governing body shall fix the amount of the tax, not to exceed ~~11~~ 15 mills, to be levied upon all taxable tangible property in the consolidated fire district;
- (b) enter into contracts;
- (c) acquire and dispose of real and personal property;
- (d) acquire, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire-fighting equipment;
- (e) acquire, operate and maintain fire-fighting equipment;
- (f) issue general obligation bonds and no-fund warrants;
- (g) pay compensation and salaries to fire district employees;
- (h) exercise eminent domain;
- (i) pay the operation and maintenance expenses of the fire district and other expenses legally incurred by the district;
- (j) select regular employees, provide for their compensation and furnish quarters for such employees if deemed desirable;
- (k) provide for the organization of volunteer members who may be compensated for fighting fires, responding to emergencies or attending meetings;
- (l) provide special clothing and equipment for such employees and volunteers;
- (m) insure such employees and volunteers against accidental death and injury in the performance of their duties;
- (n) pay for the acquisition, installation or maintenance of one or more fire hydrants, or similar devices for fighting fires, including necessary equipment, services or supplies related thereto.

The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed; and

- (o) do all things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of the district and otherwise effectuate the purposes of this act.

Sec. 20. From and after July 1, 2008, K.S.A. 12-3916 is hereby amended to read as follows: 12-3916. (a) Subject to the provisions of subsection (b), the books, papers, equipment and other real and personal property belonging to the departments consolidated pursuant to this act shall be transferred to and shall become the property of the consolidated district, *subject to any debts, leases or other obligations that encumber such property.*

(b) All funds in the treasury of any such fire district ~~at the time of consolidation shall on the effective date of consolidation may~~ be applied to the payment of any outstanding indebtedness, including bonded indebtedness, of such fire district, *and may be transferred to the treasury of the newly created consolidated fire district as determined by the board of county commissioners. Any debt service fund of such fire district at the time of consolidation may be transferred to the newly created consolidated fire district. Any money transferred from the debt service fund of the fire district shall be credited to a debt service fund in the newly created consolidated fire district. The debt service fund of the newly created consolidated fire district shall be kept separate from any other debt service fund.*

Sec. 21. From and after July 1, 2008, K.S.A. 12-3918 is hereby amended to read as follows: 12-3918. The consolidation of any fire district under the provisions of this act shall not affect the rights of any firefighter serving in the department of such district to benefits under any retirement or relief association program *accrued prior to the consolidation, however the newly created consolidated fire district may provide different benefits than those previously provided to the employees of the fire districts or departments that are consolidated.*

Sec. 22. From and after July 1, 2008, K.S.A. 19-3614a is hereby amended to read as follows: 19-3614a. Whenever an agreement of consolidation between Johnson county consolidated fire district no. 2 and Mission fire district no. 1 is filed in the office of the county clerk, the county board shall at that time appoint three of the former members of the governing body of Johnson county consolidated fire district no. 2 and two of the former members of the governing body of Mission fire district no. 1, and the five members so appointed shall be and constitute the governing body of the district. As soon as such duly appointed members are appointed and qualified, the terms of the former members of the Johnson county consolidated fire district no. 2 and Mission fire district no. 1 shall thereupon be terminated. *On July 1, 2008, or at its next meeting thereafter, the board of county commissioners shall appoint two additional members to the governing body of Johnson county consolidated fire district no. 2.* The county board shall designate the terms for which each of such ~~five~~ *seven* members of the governing body shall serve, and they shall be governed by all of the rules, regulations, requirements, duties and obligations set forth for members of the original districts.

The newly created consolidated fire district shall be known and designated as Johnson county consolidated fire district no. (_____).

New Sec. 23. From and after July 1, 2008, the board of county commissioners may establish a county service taxing district in any portion of the county encompassing the boundaries of a township which has been dissolved or disorganized as a result of the consolidation or attachment of its territory to another township or townships or where the duties of the township have been transferred to the county by adoption of a resolution. The resolution shall specify the service or services to be provided within the county service taxing district.

Upon passage of a resolution authorizing the creation of a county service taxing district, the board of county commissioners shall cause to be published twice in the official county newspaper of the county the resolution. The resolution shall include a general description of the territory to be included within the area, the type of service or services to be undertaken in the area, a statement of the means by which the service or services will be financed, and a designation of the county agency or officer who will be responsible for supervising the provision of the service or services. The county service taxing district shall be deemed established 60 days after the second publication of the resolution or at such later date as may be specified in the resolution.

Upon receipt of a petition signed by a majority of the qualified voters within the territory of the proposed county service taxing district prior to the effective date of its creation, the creation of the district shall be abandoned.

Upon adoption of the next annual budget following the creation of a county service taxing district the board of county commissioners shall include in such budget appropriate provisions for the operation of the taxing district including, as appropriate, a property tax levied only on property within the boundaries of the taxing district, the levy of a service charge against the users of such services within the area, or the imposition of special assessments or by any combination thereof. The levy and collection of such special assessments shall be made in accordance with the procedure required by K.S.A. 12-6a08 to 12-6a12, and amendments thereto.

After its creation, a county service taxing district shall be dissolved by the board of county commissioners upon receipt of a petition calling for the dissolution of such county service taxing district signed by a majority of the qualified voters residing within the territory of the county service taxing district.

Sec. 24. From and after July 1, 2008, K.S.A. 75-1122 is hereby amended to read as follows: 75-1122. (a) The governing body of every unified school district, the governing body of every recreation commission having aggregate annual gross receipts in excess of \$150,000 and the governing body of all other municipalities either having aggregate annual gross receipts in excess of \$275,000 or which has general obligation or revenue bonds outstanding in excess of \$275,000 shall have its accounts examined and audited by a licensed municipal public accountant or accountants or certified public accountant or accountants at least once each year. In the case of school districts, all tax and other funds such as activity funds and accounts shall also be examined and audited.

(b) Any municipality required to have an annual audit for the first time under this section shall be exempt from the requirement if the municipality sends to the division of accounts and reports a written request for assistance in complying with the required accounting procedures of K.S.A. 75-1121, and amendments thereto. The exemption shall continue until the assistance is rendered by the division of accounts and reports.

—(c) (b) The governing body of any city of the third class required to have its accounts examined and audited pursuant to the provisions of this section shall annually determine the total cost to be incurred by the city in complying with the requirements of this act and shall identify the same in the budget of the city.

(d) Each year the township board of any township required to have an annual audit may adopt a resolution requesting the director of accounts and reports to exempt the township from the requirements of this section. The resolution shall be submitted prior to the end of the fiscal year. Upon receipt of the resolution, the director of accounts and reports shall waive the requirement for an audit for such year.

Sec. 25. From and after July 1, 2008, K.S.A. 2007 Supp. 80-120 is hereby amended to read as follows: 80-120. (a) The township board of any township may adopt a resolution proposing to transfer all powers, duties and functions of the township board to the board of county commissioners of the county in which such township is located. Such resolution shall be submitted to the qualified electors of the township at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. If a majority of the voters voting thereon vote in favor thereof, all powers, duties and functions of such township board shall be transferred to the board of county commissioners of the county in which such township is located.

(b) Upon approval of the resolution by the voters, the township board shall pay over to the county treasurer of such county any and all unused money or funds or surplus funds in the hands of such township board which have been received or acquired by such township from any source. Upon receipt of the funds and moneys, the county treasurer shall credit the same to a special fund for each such township *unless the board of county commissioners by a 2/3 vote of all members of the board determines that all duties and funds transferred by the township shall be assumed by the county in which case such funds shall be deposited in the county general fund.*

If a special fund is created, the board of county commissioners shall expend the moneys in such special fund for the exercise of the powers, duties and functions imposed by law upon township boards in the township from which it was received. The county treasurer shall credit and transfer to such special fund of each township all tax moneys in the treasurer's hands on the date the resolution was approved by the voters which were received by the treasurer in payment of taxes levied by such township for such purposes and all such taxes thereafter collected by the treasurer. The treasurer shall credit and transfer all other moneys in the treasurer's hands on the date the resolution was approved by the voters which were received by the treasurer for the use of such township for such purposes.

(c) Upon approval of the resolution by the voters, the township board shall turn over and deliver to the board of county commissioners of such county any and all assets and property such township has acquired. Following the transfer of all assets and property to the board of county commissioners, the township board of such township shall be and is hereby abolished.

(d) *Unless the board of county commissioners determines that all duties and funds of the township shall be assumed by the county as provided in subsection (b),* on or before the first Monday in July of each year the board of county commissioners shall prepare a budget of expenditures for the exercise of the powers, duties and functions transferred to the county. The board shall itemize the expenses and amounts and the purposes therefor. Subject to the same limitations imposed by law on township boards, the board of county commissioners are hereby authorized to levy a tax upon all assessed taxable tangible property of the township sufficient to raise the amount for such expenditures. The money derived from such levy shall be deposited in the county treasury and credited to the special fund established pursuant to subsection (b).

~~(e) Upon presentation of a petition, signed by at least 20% of the qualified electors of the township, to the board of county commissioners requesting the board to adopt a resolution~~

~~to return to the township board the powers, duties and functions transferred pursuant to this section, the board shall adopt a resolution to return to the township board the powers, duties and functions so transferred. Such resolution first shall be submitted to approval of the qualified electors of the township. Such election shall be called and held in the manner provided by the general bond law. No such petition shall be submitted to the board for at least two years following approval of a resolution pursuant to subsection (a). If the resolution is approved by a majority of the qualified electors of the township voting at such election, the board of county commissioners shall appoint a township board who shall hold office until successors are elected and qualified at the next regular general election of the township.~~

New Sec. 26. From and after July 1, 2008: (a) The board of county commissioners may disorganize any township if any of the following apply:

- (1) The number of residents in the township shall become less than 200;
- (2) a vacancy exists in the office of township trustee, clerk or treasurer for two consecutive years; or
- (3) the township fails to file an annual budget for two consecutive years.

The territory of any township disorganized under this section shall be attached to one or more townships which are contiguous to such township.

(b) The board of county commissioners desiring to disorganize a township under this section shall adopt a resolution stating the county is considering the disorganization of such township. The resolution shall:

(1) Give notice that a public hearing will be held to consider the disorganization and fix the date, hour and place of the public hearing. Unless the board determines adequate facilities are not available, the public hearing shall be held at a site located within such township. The site and time of the hearing shall be held at a location and time determined to be the most convenient for the greatest number of interested persons.

(2) A copy of the resolution providing for the public hearing shall be published in a newspaper of general circulation of the township.

(c) Following the public hearing the board may pass a resolution disorganizing the township and attaching the territory to one or more adjacent townships. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation of the township. The resolution shall take effect 60 days after the final publication unless a petition signed by electors of such township equal in number to at least 10% of the electors who voted at the last general election is presented to the county clerk calling for an election on the issue. Such proposition may be submitted at the next general election held in such townships or at special elections called for that purpose by the board of county commissioners, and shall be submitted on a separate ballot in substantially the following form:

Proposition to consolidate _____ township
(name of township)
 with _____ township(s).
(name of township or townships)

Yes No

If a majority of the votes cast in such township in such election shall be in the affirmative, it shall be the duty of the board of county commissioners of such county to disorganize such township and attach the territory to such other township or townships. The expenses of such election shall be paid by the county from the county general fund.

Sec. 27. From and after July 1, 2008, K.S.A. 80-1101a is hereby amended to read as follows: 80-1101a. Such disorganization of a township hereunder shall be effective upon the filing with the county clerk of such county the resignation of the elective incumbent officers of such township ~~and~~ or, in any event, at the expiration of the term of office of such incumbents.

Sec. 28. From and after July 1, 2008, K.S.A. 80-1102a is hereby amended to read as follows: 80-1102a. If any such township so disorganized shall at the time of its disorganization have any ~~floating~~ indebtedness, the board of county commissioners shall provide for the payment thereof in the manner provided in K.S.A. 80-1103 and 80-1104, ~~and amendments thereto~~. If such township has any bonded indebtedness the obligation shall remain a charge upon the territory of the disorganized township in accordance with the applicable provisions

of K.S.A. 10-119, *and amendments thereto*. The effective date of such township disorganization, the provisions for the naming of townships, the determination of boundaries and polling places, the transfer of records, funds and property other than funds to pay ~~floating~~ indebtedness shall be determined as provided by the provisions of K.S.A. 80-1101a, ~~80-1107 and 80-1108 and amendments thereto~~.

Any road construction and maintenance agreement which had been entered into between the township to be disorganized and the county under K.S.A. 68-572, *and amendments thereto*, shall terminate when money and equipment belonging to the disorganized township are delivered ~~as provided by K.S.A. 80-1108 to the county~~.

Sec. 29. From and after July 1, 2008, K.S.A. 80-1103 is hereby amended to read as follows: 80-1103. If any township so disorganized shall at the time of its disorganization have ~~a~~ ~~floating~~ *any* indebtedness, it shall be the duty of the county commissioners of the county to provide for the payment of such outstanding indebtedness by making a levy of taxes therefor upon all real and personal property in the territory comprising such disorganized township at the time of its disorganization, which tax shall be entered by the clerk of the county on the tax roll the same as other taxes. ~~Provided, That~~ No such levy shall exceed ten mills on the dollar of the assessed valuation in any one year; that the county treasurer shall keep the money collected from such township in a special fund, and the county commissioners are authorized to audit the floating indebtedness of said disorganized township, and issue warrants upon the funds thus provided in payment of said floating indebtedness.

Sec. 30. From and after July 1, 2008, K.S.A. 80-1104 is hereby amended to read as follows: 80-1104. The books, papers, funds and any other assets belonging to such township so disorganized shall be delivered over by the officers thereof to the county commissioners, who shall dispose of said assets, and all money received therefor shall be included in the special fund provided for in K.S.A. 80-1103, ~~and disposed of as therein provided and amendments thereto~~.

Sec. 31. From and after July 1, 2008, K.S.A. 80-1109 is hereby amended to read as follows: 80-1109. Two ~~(2)~~ or more townships ~~located in the same state representative district~~ may consolidate into a single township which may be one of the consolidated townships or a new township to be formed by means of such consolidation. The members of the township boards or a majority of them on the respective boards shall by resolution declare such consolidation to be desirable and arrange for a meeting between the respective boards. ~~Said Members of township~~ boards may enter into an agreement signed by ~~them~~ *such members* prescribing the terms and conditions of the consolidation and designate the officers of the township until new township officers are elected and take office as ~~now~~ provided by law. Such resolutions of the agreement and consolidation duly certified by the respective township clerks shall be presented to the board of county commissioners of the county in which said townships are situated by delivering the same to the county clerk of said county. Within ~~ten (10)~~ 10 days after such receipt by the county commissioners they shall call an election, noticed and called in the manner as bond elections under the general bond law in said townships for the purpose of approval or disapproval of agreement of consolidation. The ballot used in such elections shall conform to the provisions of K.S.A. 25-605, *and amendments thereto*, and the question shall be stated substantially as follows: "Shall the township of _____ and the township of _____ be consolidated into one township and the new township named _____?" If a majority of the qualified electors in each township shall vote to consolidate, the board of county commissioners shall adopt a resolution certifying that the consolidation is in effect in accordance with the agreement and the respective townships shall thereupon be considered disorganized.

Sec. 32. From and after July 1, 2008, K.S.A. 80-1110 is hereby amended to read as follows: 80-1110. Townships located in counties which have adopted the county unit road system ~~in the manner~~ as provided by K.S.A. 68-515b, *and amendments thereto*, or in townships having *more than 200 residents* may be disorganized and the territory or parts thereof attached to any other township or townships within such county which are contiguous with the township or any one of the townships being disorganized, in the manner hereinafter provided.

Sec. 33. From and after July 1, 2008, K.S.A. 80-1111 is hereby amended to read as follows: 80-1111. Whenever the board of county commissioners of any such county shall determine that it is in the best interests of the inhabitants of any township or townships located within

such county to disorganize the same, such board shall adopt a resolution stating its intentions to disorganize such township or townships and the attachment of the territory of the same to another township or townships within the county. Such resolution shall fix a time, which shall be not less than thirty-two (32) and not more than forty (40) 40 days after the date of the last publication of such resolution, and a place, within such township or townships or at such other place within such county as shall be designated by the board of county commissioners, for the holding of a hearing or hearings upon the question of disorganizing such township or townships. Such resolution shall also contain a statement that unless a petition, signed in such a manner as to substantially identify the elector signing the same, by a majority of the electors of any township proposed to be disorganized, as shown by the returns of the general election next preceding the filing of such petition, opposing the disorganization of such township, is filed in the office of the county clerk within thirty (30) 30 days after the date of the last publication of such resolution, such township or townships will be disorganized. Such resolution shall be published once each week for two (2) consecutive weeks in a newspaper having general circulation in the township or townships proposed to be disorganized and a copy thereof sent to the clerk of the township board of such township or townships.

If a petition in opposition is not filed in compliance with the provisions of this section, then the board of county commissioners shall adopt a resolution disorganizing such township, attaching the same or portions thereof as herein provided and make such order or orders as are authorized by this act.

Sec. 34. From and after July 1, 2008, K.S.A. 2007 Supp. 80-1117 is hereby amended to read as follows: 80-1117. (a) If any township has no residents, as certified by the county clerk of the county in which such township is located, the board of county commissioners, by resolution, ~~may shall~~ disorganize the township or consolidate the township with the next geographically closest township, within such county, having a functioning township board. Prior to the adoption of such resolution, the board of county commissioners shall conduct a public hearing on the advisability of adopting such resolution. Until such time as the disorganization or consolidation is completed, the board of county commissioners may exercise all of the statutory powers of the township board deemed necessary and advisable by such board of county commissioners.

(b) All books, papers, records, moneys and other assets belonging to any township proposed to be disorganized or consolidated under subsection (a) shall be delivered by the persons in possession thereof to the board of county commissioners. The board of county commissioners may dispose of any assets of such township in the manner provided by this section. If at the time of its disorganization or consolidation, the township has any outstanding indebtedness, the board of county commissioners shall place any moneys together with the proceeds of any assets of such township into a special fund that shall be used for the purpose of paying such indebtedness. Moneys and assets in excess of that required for the payment of outstanding indebtedness either shall be transferred to the township with which the disorganized township is consolidated or shall be disposed of in such other manner as determined by the board of county commissioners to be in the best interests of the former residents or property owners of such township, *if the township is disorganized, such moneys shall be credited to the county general fund.*

Sec. 35. K.S.A. 17-1367 is hereby repealed.

Sec. 36. From and after July 1, 2008, K.S.A. 12-3913, 12-3914, 12-3916, 12-3918, 13-518, 13-527, 13-1347, 14-201, 14-695, 15-201, 15-204, 17-4757, 19-3614a, 75-1122, 80-1101, 80-1101a, 80-1102a, 80-1103, 80-1104, 80-1106, 80-1107, 80-1108, 80-1109, 80-1110, 80-1111, 80-1301, 80-1302, 80-1303, 80-1304 and 80-1305 and K.S.A. 2007 Supp. 12-1222, 12-3915, 12-5711, 79-2926, 79-2929a, 79-2930, 80-120 and 80-1117 are hereby repealed.

Sec. 37. This act shall take effect from and after its publication in the Kansas register.”;

In the title, by striking all in lines 10 through 12 and inserting the following:
 “AN ACT concerning certain municipalities; amending K.S.A. 12-3913, 12-3914, 12-3916, 12-3918, 13-518, 13-527, 13-1347, 14-201, 14-695, 15-201, 15-204, 17-1367, 17-4757, 19-3614a, 75-1122, 80-1101a, 80-1102a, 80-1103, 80-1104, 80-1109, 80-1110 and 80-1111 and K.S.A. 2007 Supp. 12-1222, 12-3915, 12-5711, 79-2926, 79-2929a, 79-2930,

80-120 and 80-1117 and repealing the existing sections; also repealing K.S.A. 80-1101, 80-1106, 80-1107, 80-1108, 80-1301, 80-1302, 80-1303, 80-1304 and 80-1305.”;

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

TIM HUELSKAMP
 ROGER P. REITZ
 ANTHONY HENSLEY
Conferees on part of Senate

MICHAEL B. BURGESS
 TED POWERS
 TOM SAWYER
Conferees on part of House

On motion of Rep. Burgess, the conference committee report on **HB 2217** was adopted.

On roll call, the vote was: Yeas 114; Nays 4; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, 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, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Masterson, McCray-Miller, McKinney, 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, Siegfried, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Flora, Kuether, Mast, McLachlan.

Present but not voting: None.

Absent or not voting: Carlin, C. Holmes, Huntington, Kelley, Shultz, Sloan, Wilk.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2617**, 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 5, before the semicolon by inserting “other than serious injury”; in line 7, by striking “the im-”; in line 8, by striking “mediate” and inserting “serious injury or”; also in line 8, by striking “or if”; by striking all in line 9; in line 25, by striking “or” where it appears the second time; in line 28, after the second comma by inserting “authorized by medical protocol;”; also in line 28, after “or” by inserting “(4)”;

On page 4, in line 4, after “of” by inserting “paragraph (1) of”; also in line 4, by striking “(1)”; in line 5, after “of” by inserting “paragraph (2) of”; also in line 5, by striking “(2)”;

On page 7, preceding line 13, by inserting the following:

“(w) As used in this section, “serious injury” means a physical injury to a person, as determined by law enforcement, which has the effect of, prior to the request for testing:

- (1) Disabling a person from the physical capacity to remove themselves from the scene;
- (2) renders a person unconscious;
- (3) the immediate loss of or absence of the normal use of at least one limb;
- (4) an injury determined by a physician to require surgery; or
- (5) otherwise indicates the person may die or be permanently disabled by the injury.”;

Also on page 7, in line 28, after “test” by inserting “requested by a law enforcement agency and”; in line 31, by striking “charge”; in line 32, by striking “the defendant for the costs paid herein” and inserting “be reimbursed such costs upon the costs being paid by the defendant”; in line 33, by striking “or 28-172c”;

On page 8, by striking all in lines 14 through 43;

By striking all on pages 9 through 25;

On page 26, by striking all in lines 1 through 28; after line 28, by inserting the following:
“Sec. 4. K.S.A. 2007 Supp. 8-1567 is hereby amended to read as follows: 8-1567. (a) No person shall operate or attempt to operate any vehicle within this state while:

(1) The alcohol concentration in the person’s blood or breath as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .08 or more;

(2) the alcohol concentration in the person’s blood or breath, as measured within two hours of the time of operating or attempting to operate a vehicle, is .08 or more;

(3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

(b) No person shall operate or attempt to operate any vehicle within this state if the person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.

(c) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(d) Upon a first conviction of a violation of this section, a person shall be guilty of a class B, nonperson misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months’ imprisonment, or in the court’s discretion 100 hours of public service, and fined not less than \$500 nor more than \$1,000. The person convicted must serve at least 48 consecutive hours’ imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.

In addition, the court shall enter an order which requires that the person enroll in and successfully complete an alcohol and drug safety action education program or treatment program as provided in K.S.A. 8-1008, and amendments thereto, or both the education and treatment programs.

(e) On a second conviction of a violation of this section, a person shall be guilty of a class A, nonperson misdemeanor and sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than \$1,000 nor more than \$1,500. The person convicted must serve at least five consecutive days’ imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours’ imprisonment.

As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for alcohol and drug abuse as provided in K.S.A. 8-1008, and amendments thereto.

(f) (1) On the third conviction of a violation of this section, a person shall be guilty of a nonperson felony and sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than \$1,500 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this paragraph may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours’ imprisonment.

(2) The court may order that the term of imprisonment imposed pursuant to paragraph (1) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person's discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.

The court shall also require as a condition of parole that such person enter into and complete a treatment program for alcohol and drug abuse as provided by K.S.A. 8-1008, and amendments thereto.

(g) (1) On the fourth or subsequent conviction of a violation of this section, a person shall be guilty of a nonperson felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this paragraph may be served in a work release program only after such person has served 72 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program.

(2) The court may order that the term of imprisonment imposed pursuant to paragraph (1) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person's discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.

At the time of the filing of the judgment form or journal entry as required by K.S.A. 21-4620 or 22-3426, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the secretary of corrections within three business days of receipt of the judgment form or journal entry from the court and notify the secretary of corrections when the term of imprisonment expires and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the secretary. After the term of imprisonment imposed by the court, the person shall be placed in the custody of the secretary of corrections for a mandatory one-year period of postrelease supervision,

which such period of postrelease supervision shall not be reduced. During such postrelease supervision, the person shall be required to participate in an inpatient or outpatient program for alcohol and drug abuse, including, but not limited to, an approved aftercare plan or mental health counseling, as determined by the secretary and satisfy conditions imposed by the Kansas parole board as provided by K.S.A. 22-3717, and amendments thereto. Any violation of the conditions of such postrelease supervision may subject such person to revocation of postrelease supervision pursuant to K.S.A. 75-5217 et seq., and amendments thereto and as otherwise provided by law.

(h) Any person convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(i) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(j) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(k) (1) Except as provided in paragraph (5), in addition to any other penalty which may be imposed upon a first conviction of a violation of this section, the court may order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs.

(2) The court shall not order the impoundment or immobilization of a motor vehicle driven by a person convicted of a violation of this section if the motor vehicle had been stolen or converted at the time it was driven in violation of this section.

(3) Prior to ordering the impoundment or immobilization of a motor vehicle or vehicles owned by a person convicted of a violation of this section, the court shall consider, but not be limited to, the following:

(A) Whether the impoundment or immobilization of the motor vehicle would result in the loss of employment by the convicted person or a member of such person's family; and

(B) whether the ability of the convicted person or a member of such person's family to attend school or obtain medical care would be impaired.

(4) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.

(5) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than one year from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.

(l) (1) Except as provided in paragraph (3), in addition to any other penalty which may be imposed upon a second or subsequent conviction of a violation of this section, the court shall order that each motor vehicle owned or leased by the convicted person shall either be equipped with an ignition interlock device or be impounded or immobilized for a period of two years. The convicted person shall pay all costs associated with the installation, mainte-

nance and removal of the ignition interlock device and all towing, impoundment and storage fees or other immobilization costs.

(2) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.

(3) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than two years from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.

(m) The court shall report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings or a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(n) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

(1) "Conviction" includes being convicted of a violation of this section or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(2) "conviction" includes being convicted of a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(3) any convictions occurring during a person's lifetime shall be taken into account when determining the sentence to be imposed for a first, second, third, fourth or subsequent offender;

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, or an ordinance which prohibits the acts of this section, and amendments thereto, only once during the person's lifetime.

(o) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(p) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof. Except as specifically provided by this subsection, the minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this act for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation. *On and after July 1, 2007, and retroactive for ordinance violations committed on or after July 1, 2006, an ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.*

Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted. Except as provided in paragraph (5), any such ordinance or resolution may require or authorize the court to order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs.

(2) The court shall not order the impoundment or immobilization of a motor vehicle driven by a person convicted of a violation of this section if the motor vehicle had been stolen or converted at the time it was driven in violation of this section.

(3) Prior to ordering the impoundment or immobilization of a motor vehicle or vehicles owned by a person convicted of a violation of this section, the court shall consider, but not be limited to, the following:

(A) Whether the impoundment or immobilization of the motor vehicle would result in the loss of employment by the convicted person or a member of such person's family; and

(B) whether the ability of the convicted person or a member of such person's family to attend school or obtain medical care would be impaired.

(4) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.

(5) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than one year from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.

(q) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.

(r) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the state, city or county, but shall not be required to, may elect one or two of the three prior to submission of the case to the fact finder.

(s) Upon a fourth or subsequent conviction, the judge of any court in which any person is convicted of violating this section, may revoke the person's license plate or temporary registration certificate of the motor vehicle driven during the violation of this section for a period of one year. Upon revoking any license plate or temporary registration certificate pursuant to this subsection, the court shall require that such license plate or temporary registration certificate be surrendered to the court.

(t) For the purpose of this section: (1) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

(2) "Imprisonment" shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.

(3) "Drug" includes toxic vapors as such term is defined in K.S.A. 65-4165, and amendments thereto.

(u) The amount of the increase in fines as specified in this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of remittance of the increase provided in this act, the state treasurer shall deposit the entire amount in the state treasury and the state treasurer shall credit 50% to the community alcoholism and intoxication programs fund and 50% to the department of corrections alcohol and drug abuse treatment fund, which is hereby created in the state treasury.

(v) Upon every conviction of a violation of this section, the court shall order such person to submit to a pre-sentence alcohol and drug abuse evaluation pursuant to K.S.A. 8-1008, and amendments thereto. Such pre-sentence evaluation shall be made available, and shall be considered by the sentencing court.

Sec. 5. K.S.A. 22-3437 is hereby amended to read as follows: 22-3437. (1) In any hearing or trial, a report concerning forensic examinations and certificate of forensic examination executed pursuant to this section shall be admissible in evidence if the report and certificate are prepared and attested by a criminalist or other employee of the Kansas bureau of in-

vestigation, Kansas highway patrol or any laboratory of the federal bureau of investigation, federal postal inspection service, federal bureau of alcohol, tobacco and firearms or federal drug enforcement administration. If the examination involves a breath test for alcohol content, the report must also be admissible pursuant to ~~subsection (f)~~ of K.S.A. 8-1001, and amendments thereto, and be conducted by a law enforcement officer or other person who is certified by the department of health and environment as a breath test operator as provided by K.S.A. 65-1,107 et seq., and amendments thereto.

(2) Upon the request of any law enforcement agency, such person as provided in subsection (1) performing the analysis shall prepare a certificate. Such person shall sign the certificate under oath and shall include in the certificate an attestation as to the result of the analysis. The presentation of this certificate to a court by any party to a proceeding shall be evidence that all of the requirements and provisions of this section have been complied with. This certificate shall be supported by a written declaration pursuant to K.S.A. 53-601, and amendments thereto, or shall be sworn to before a notary public or other person empowered by law to take oaths and shall contain a statement establishing the following: The type of analysis performed; the result achieved; any conclusions reached based upon that result; that the subscriber is the person who performed the analysis and made the conclusions; the subscriber's training or experience to perform the analysis; the nature and condition of the equipment used; and the certification and foundation requirements for admissibility of breath test results, when appropriate. When properly executed, the certificate shall, subject to the provisions of subsection (3) and notwithstanding any other provision of law, be admissible evidence of the results of the forensic examination of the samples or evidence submitted for analysis and the court shall take judicial notice of the signature of the person performing the analysis and of the fact that such person is that person who performed the analysis.

(3) Whenever a party intends to proffer in a criminal or civil proceeding, a certificate executed pursuant to this section, notice of an intent to proffer that certificate and the reports relating to the analysis in question, including a copy of the certificate, shall be conveyed to the opposing party or parties at least 20 days before the beginning of a hearing where the proffer will be used. An opposing party who intends to object to the admission into evidence of a certificate shall give notice of objection and the grounds for the objection within 10 days upon receiving the adversary's notice of intent to proffer the certificate. Whenever a notice of objection is filed, admissibility of the certificate shall be determined not later than two days before the beginning of the trial. A proffered certificate shall be admitted in evidence unless it appears from the notice of objection and grounds for that objection that the conclusions of the certificate, including the composition, quality or quantity of the substance submitted to the laboratory for analysis or the alcohol content of a blood or breath sample will be contested at trial. A failure to comply with the time limitations regarding the notice of objection required by this section shall constitute a waiver of any objections to the admission of the certificate. The time limitations set forth in this section may be extended upon a showing of good cause.

Sec. 6. K.S.A. 22-3437 and K.S.A. 2007 Supp. 8-1001, 8-1567 and 8-1567b are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, by striking all in lines 14 through 18 and inserting “amending K.S.A. 22-3437 and K.S.A. 2007 Supp. 8-1001 and 8-1567 and repealing the existing sections; also repealing K.S.A. 2007 Supp. 8-1567b.”;

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

JOHN VRATIL
DEREK SCHMIDT
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 2617** 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, 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, Johnson, 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, 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: Carlin, Huntington, Kelley, Shultz.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2780**, 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 13, in line 22, by striking all after the period; by striking all in lines 23 through 43;

On page 14, by striking all in lines 1 through 6; in line 7, by striking "supervision."; in line 14, by striking all after the period; by striking all in lines 15 through 34;

On page 15, in line 3, by striking "Except as provided in subsection (b), the" and inserting "The";

On page 16, by striking all in line 43;

By striking all on pages 17 through 19;

On page 20, by striking all in lines 1 through 28;

And by renumbering the remaining sections accordingly;

Also on page 20, in line 30, by striking ", 75-5210 and 75-5220";

In the title, in line 16, by striking ", 75-5210"; in line 17, by striking "and 75-5220";

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 2780** was adopted.

On roll call, the vote was: Yeas 111; Nays 10; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Colloton, Colyer, Craft, Crow, Crum, 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, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-

Miller, McKinney, McLachlan, McLeland, Menghini, Metsker, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, O'Neal, Olson, Owens, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, 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: Beamer, Carlson, Dahl, Merrick, Moxley, Otto, Peck, Powell, Powers, Schwartz.

Present but not voting: None.

Absent or not voting: Carlin, Huntington, Kelley, Shultz.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 153, by Representative Worley, commending the Cold War Veterans Association on their brave service during the Cold War;

Request No. 154, by Representatives Henderson and Winn, congratulating the Kansas City, Kansas, Chapter of the International Association of Black Professional Fire Fighters on their 30th anniversary of community service;

Request No. 155, by Representative Mast, congratulating Robert Harkrader on attaining the rank of Eagle Scout;

Request No. 156, by Representative Peck, congratulating James and Donna Buchanan on their 50th Wedding Anniversary;

Request No. 157, by Representative Peck, congratulating Ivy Irene Helton on her 90th birthday;

Request No. 158, by Representative Peck, congratulating Jessie Louise Line on her 90th birthday;

Request No. 159, by Representatives Phelps and Johnson, congratulating Don Pruitt on his retirement as the Chief of Police in Victoria, Kansas;

Request No. 160, by Representative Peck, congratulating Mary Rhinehart Trotter on her 90th birthday;

Request No. 161, by Representative Peck, congratulating Jack Pendleton on his 80th birthday;

Request No. 162, by Representative K. Wolf, congratulating the Kansas City Christian School Choir;

Request No. 163, by Representative Schwartz, congratulating Elver and Margaret Richer on their 60th wedding anniversary;

Request No. 164, by Representatives Peterson and Long, congratulating Dennis Hurla for coaching achievements;

Request No. 165, by Representative Mast, congratulating Kenneth Wayne Roney II for achieving the rank of Eagle Scout;

Request No. 166, by Representative Mast, commending Joe McIlvain for achieving the honor of reaching the top by earning a National Merit Scholarship;

Request No. 167, by Representative Burroughs, congratulating Taylor Christopher Killenny on attaining the rank of Eagle Scout;

Request No. 168, by Representative Proehl congratulating E.F. "Sonny" Zetmeir for being the 2008 Cardinal Citation Recipient at Labette Community College;

Request No. 169, by Representative Proehl, congratulating Cindy and Richard Burger on their 25th Wedding Anniversary;

Request No. 170, by Representative Ward, congratulating the Wichita Southeast High School Basketball Team for winning the 6A State Championship;

Request No. 171, by Representative Ward, congratulating Colvin Elementary School for meeting and exceeding the Standard of Excellence in Reading and Math;

Request No. 172, by Representative Quigley, congratulating Joshua Aaron Crow on attaining the rank of Eagle Scout;

Request No. 173, by Representative Schwartz, congratulating George and Betty Feldhausen on their 50th Wedding Anniversary;

Request No. 174, by Representative Henderson, congratulating the 2008 High School graduates from first Baptist Church of Quindaro;

Request No. 175, by Representative Colyer, commending Kristin Gray for her successful graduation and inspiration to others who face daunting challenges;

Request No. 176, by Representative Loganbill, congratulating Henry J. Allen Elementary school on receiving the Wichia Public School district's "Red Carpet Award";

Request No. 177, by Representative Moxley, congratulating Ester and Marion Hottman, Leona and Mervin Deines, and Jane and Stan Veal on their wedding anniversaries;

Request No. 178, by Representative Bowers, congratulating Leonard and Judy Reedy and Lee and Kelly Bergstrom on their wedding anniversaries;

Request No. 179, by Representatives Colyer and Wilk, honoring and recognizing Scott Stephenson's personal sacrifices while serving in Iraq;

Request No. 180, by Representative Colyer, recognizing Iraq Star for providing free reconstructive surgery to America's wounded Iraq veterans;

Request No. 181, by Representative Powell, congratulating Lindsey Rae Stieben, William Fulls, and Jeff Kuhlman for being named 2008 Academic All Stars;

Request No. 182, by Representative Lukert, congratulating Adam Swanson on attaining the rank of Eagle Scout;

Request No. 183, by Representative Bowers, congratulating Concordia High School's 2007 Students of the Month: Katelyn Koerber, Dirk Lowell, Eileen Remley, and Levi Whitley and 2008 Students of the Month: Isaac Rothfuss, Witney Sorell, Briana Brewer, Jordan Tholstrup, and Casey Coons;

Request No. 184, by Representative Kiegerl, congratulating Jason Cloud on attaining the rank of Eagle Scout;

Request No. 185, by Representative Palmer, commending Irena Sendler and the founders of Life in a Jar: The Irena Sendler Project;

Request No. 186, by Representatives Phelps, Colyer and Johnson, congratulating Thomas More Prep - Marian High School on its centennial year;

Request No. 187, by Representative Palmer, congratulating Ed Trimmer and Dale Dennis on their selection to be inducted into the Kansas Teachers' Hall of Fame;

Request No. 188, by Representative Schwartz, congratulating Adam Swanson on attaining the rank of Eagle Scout;

Request No. 189, by Representative Faust-Goudeau, commending Leslie Harvey on her dedicated volunteerism;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

On motion of Rep. Merrick, the House recessed until 7:15 p.m.

EVENING SESSION

The House met pursuant to recess with Speaker Neufeld in the chair.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Schwartz to concur in Senate amendments to **S. Sub. for HB 2946**, the motion did not prevail and the bill remains in conference.

On roll call, the vote was: Yeas 4; Nays 116; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Hodge, Neufeld, Proehl.

Nays: 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, Holland,

C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, 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, Powell, Powers, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, 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.

Present but not voting: None.

Absent or not voting: Huntington, Kelley, Lane, Pottorff, Shultz.

CONSIDERATION OF VETOED BILLS

The Governor's objection to **H. Sub. for SB 327** having been read April 4 (see HJ, page 2353), the time arrived for reconsideration of **H. Sub. for SB 327**, An act concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 65-3008b and 66-104d and K.S.A. 2007 Supp. 65-3005, 65-3008a and 66-1,184 and repealing the existing sections.

Members were given the opportunity but there was no motion to reconsider. The Chair ruled the bill had been reconsidered and the veto sustained.

REPORT ON ENGROSSED BILLS

S. Sub. for HB 2504 reported correctly engrossed May 3, 2008.

HB 2620, HB 2746, HB 2772 reported correctly re-engrossed May 3, 2008.

REPORT ON ENROLLED RESOLUTIONS

HR 6027, HR 6029, HB 6031, HR 6032 reported correctly enrolled and properly signed on May 3, 2008.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, May 5, 2008.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

