

# Journal of the House

FIFTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, March 31, 2009, 9:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.

The roll was called with 123 members present.

Rep. Bethell was excused on legislative business.

Rep. Kiegerl was excused on excused absence by the Speaker.

Present later: Reps. Bethell and Kiegerl.

Rep. Brunk was excused later in the day on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Justin Moxley, The Heartland Project, Olathe, guest and nephew of Rep. Moxley:

Dear Lord,

We thank you for the gift of another day. We recognize that you are the creator of all. It is only by your hand that we live and breathe. Lord we acknowledge that we are imperfect and a mess on our best days. We acknowledge that it is only through your grace and mercy that we have hope. Today we humbly ask for wisdom. Not wisdom that is from us but wisdom that comes only from you. The tasks of our day are too great for us to know all of the right answers, to know all of the right things to say, to know all of the right things to do. So we again acknowledge our great need for you. Lord, please give us ears to hear and eyes to see as you would direct and lead. We pray all this in the name of your son, Amen.

The Pledge of Allegiance was led by Rep. Maloney.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **Sub. SB 184**.

Appropriations: **SB 326**.

## MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **SB 9**.

The Senate concurs in House amendments to **SB 39**.

The Senate concurs in House amendments to **SB 60**.

The Senate concurs in House amendments to **SB 253**, and requests return of the bill.

The Senate nonconcurs in House amendments to **H. Sub. for SB 51**, requests a conference and has appointed Senators McGinn, Vratil and Francisco as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 254**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

## INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 51**.

Speaker O'Neal thereupon appointed Reps. Schwartz, Kinzer and Svaty as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 254**.

Speaker O'Neal thereupon appointed Reps. Schwartz, M. Holmes and Garcia as conferees on the part of the House.

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

On motion of Rep. Henry, **HR 6020**, A resolution in memory of Richard Cameron, was adopted.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **S. Sub. for HB 2097** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Patton and McCray-Miller as conferees on the part of the House.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Whitham, Committee of the Whole report, as follows, was adopted:

Recommended that committee report recommending a substitute bill to **Sub. HB 2365** be adopted; also, on motion of Rep. Kleeb be amended on page 1, in line 28, by striking "hire" and inserting "employ";

On page 2, in line 1, following the semicolon by inserting "or"; in line 3, by striking all after "year"; by striking all in lines 4 through 7; in line 8, by striking "tax year"; in line 14, after "profit," by inserting "making available to its full-time employees adequate health insurance coverage and paying at least 50% of the premium for such health insurance,,"; in line 37, by striking the colon; in line 38, by striking "(1) Close down" and inserting "relocate"; in line 40, by striking "relocate" and inserting "locate"; also in line 40, by striking "employees" and inserting "jobs"; in line 41, by striking "as a" and inserting a period; by striking all in lines 42 and 43;

On page 3, by striking all in lines 1 through 8; in line 9, by striking "(4)" and inserting "A qualified company may"; also in line 9, by striking "a" and inserting "an unrelated"; in line 19, by striking "two" and inserting "five"; in line 22, by striking "100%" and inserting "95%"; in line 34, by striking "100%" and inserting "95%";

On page 4, in line 2, by striking "it shall be permissible for"; in line 3, by striking "to" where it appears the first time and inserting "shall"; in line 5, after "section" by inserting "to the qualified company, and report such amount to the department of revenue as required pursuant to subsection (a) of section 5, and amendments thereto"; in line 40, by striking the second comma; by striking all in lines 41 and 42; in line 43, by striking all before the period;

On page 5, in line 22, by striking "(a)"; in line 28, following "company" by inserting "or third party"; in line 31, by striking all after the period and inserting "The"; in line 33, after "company" by inserting "or third party"; also in line 33, by striking all after "act"; by striking all in line 34; in line 35, by striking all before the period; by striking all in lines 36 through 42;

On page 6, in line 1, by striking "committee on" and inserting "committees on taxation and assessment and"; also in line 1, by striking "committee" where it appears the second time; in line 2, by striking "on" and inserting "committees on taxation and"; after line 16, by inserting the following:

"Sec. 8. K.S.A. 2008 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106, K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be unlawful for the secretary, the director, any deputy,

agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106 or K.S.A. 46-1114, and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) disclose to the secretary of commerce *the following*: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit program administered by the secretary of commerce; and (B) *findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to section 6, and amendments thereto*;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer's name, last known address and residency status to the department of wildlife and parks to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department of social and rehabilitation services for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act (42 U.S.C. §651 et seq.) and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for

any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;

(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas pari-mutuel racing act;

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported compensation is in compliance with the Kansas public employees retirement act at K.S.A. 74-4901 et seq., and amendments thereto; and

(13) provide taxpayer information of persons suspected of violating K.S.A. 2008 Supp. 44-766, and amendments thereto, to the staff attorneys of the department of labor for the purpose of determining compliance by any person with the provisions of K.S.A. 2008 Supp. 44-766, and amendments thereto, which information shall be limited to withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., as amended, and the results or status of such audit or investigation.

(d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect on September 1, 1996, and amendments thereto, related federal internal revenue rules or regulations, or other federal law.

Sec. 9. K.S.A. 2008 Supp. 79-3234 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, on page 1, in line 9, after “act” by inserting “; amending K.S.A. 2008 Supp. 79-3234 and repealing the existing section”;

Also, on motion of Rep. Mah to amend **Sub. HB 2365**, Rep. Schwab requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Mah to amend on page 6, after line 16 by inserting the following:

“New Section 8. As used in sections 8 through 19, and amendments thereto:

(a) “Construction” means any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing and adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, water works, parking facility, railroad, excavation or other structure, project, development, real property or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project, development, real property or improvement herein described of any material or article of merchandise. Construction shall also include moving construction related materials on the job site or to or from the job site.

(b) “Contractor” means any sole proprietor, partnership, limited partnership, firm, corporation, limited liability company, association or other business entity that registers with

the secretary of state who engages in construction. "Contractor" shall include a general contractor and a subcontractor.

(c) "Department" means the department of labor.

(d) "Secretary" means the secretary of labor.

(e) (1) "Employer" means any contractor that employs individuals deemed employees under section 9, and amendments thereto.

(2) "Employer" shall not include the:

(A) State of Kansas or its officers, agencies or political subdivisions; or

(B) federal government.

(f) (1) "Entity" means any contractor for which an individual is performing services and is not classified as an employee under section 9, and amendments thereto.

(2) "Entity" does not include the:

(A) State of Kansas or its officers, agencies or political subdivisions; or

(B) federal government.

(g) "Interested party" means a person with an interest in compliance with sections 8 through 19, and amendments thereto.

(h) "Performing services" means the performance of any construction.

New Sec. 9. (a) For the purposes of sections 8 through 19, and amendments thereto, an individual performing services for a contractor is deemed to be an employee of the employer except as provided in subsections (b) and (c).

(b) An individual performing services for a contractor is deemed to be an employee of the contractor unless it is shown that the:

(1) Individual has been and will continue to be free from control or direction over the performance of the service for the contractor, both under the contract of service and in fact;

(2) service performed by the individual is outside the usual course of services performed by the contractor; and

(3) individual is engaged in an independently established trade, occupation, profession or business, or is deemed a legitimate sole proprietor or partnership under subsection (c).

(c) The sole proprietor or partnership performing services for a contractor as a subcontractor is deemed legitimate if it is shown that:

(1) The sole proprietor or partnership is performing the service free from the direction or control over the means and manner of providing the service, subject only to the right of the contractor for whom the service is provided to specify the desired result;

(2) the sole proprietor or partnership is not subject to cancellation or destruction upon severance of the relationship with the contractor;

(3) the sole proprietor or partnership has a substantial investment of capital in the sole proprietorship or partnership beyond ordinary tools and equipment and a personal vehicle;

(4) the sole proprietor or partnership owns the capital goods and gains the profits and bears the losses of the sole proprietorship or partnership;

(5) the sole proprietor or partnership makes its services available to the general public or the business community on a continuing basis;

(6) the sole proprietor or partnership includes services rendered on a federal income tax schedule as an independent business or profession;

(7) the sole proprietor or partnership performs services for the contractor under the sole proprietorship's or partnership's name;

(8) when the services being provided require a license or permit, the sole proprietor or partnership obtains and pays for the license or permit in the sole proprietorship's or partnership's name;

(9) the sole proprietor or partnership furnishes the tools and equipment necessary to provide the service;

(10) if necessary, the sole proprietor or partnership hires its own employees without contractor approval, pays the employees without reimbursement from the contractor and reports the employees' income to the internal revenue service;

(11) the contractor does not represent the sole proprietorship or partnership as an employee of the contractor to its customers; and

(12) the sole proprietor or partnership has the right to perform similar services for others on whatever basis and whenever it chooses.

(d) Where a sole proprietor or partnership performing services for a contractor as a subcontractor is deemed not legitimate under subsection (c), the sole proprietorship or partnership shall be deemed an individual for purposes of sections 8 through 19, and amendments thereto.

(e) Subcontractors or lower tiered contractors are subject to all provisions of sections 8 through 19, and amendments thereto.

(f) Except as provided in section 14, and amendments thereto, a contractor shall not be liable under sections 8 through 19, and amendments thereto, for any subcontractor's failure to properly classify persons performing services as employees, nor shall a subcontractor be liable for any lower tiered subcontractor's failure to properly classify persons performing services as employees.

New Sec. 10. It is unlawful for an employer or entity not to designate an individual as an employee under section 9, and amendments thereto, unless the employer or entity satisfies the provisions of section 9, and amendments thereto.

New Sec. 11. (a) Any interested party may file a complaint with the department against an entity or employer covered under sections 8 through 19, and amendments thereto, if there is a reasonable belief that the entity or employer is in violation of sections 8 through 19, and amendments thereto. It shall be the duty of the department to enforce the provisions of sections 8 through 19, and amendments thereto. The department shall have the power to conduct investigations in connection with the administration and enforcement of sections 8 through 19, and amendments thereto. Any investigator with the department shall be authorized to visit and inspect, at all reasonable times, any places covered by sections 8 through 19, and amendments thereto, and shall be authorized to inspect, at all reasonable times, documents related to the determination of whether an individual is an employee under section 9, and amendments thereto. The secretary or the secretary's representative may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers and other evidence in any investigation and may administer oaths to witnesses.

(b) Whenever the department believes upon investigation that there has been a violation of any of the provisions of sections 8 through 19, and amendments thereto, or any authorized rules or regulations, the department may:

(1) Issue and cause to be served on any party an order to cease and desist from further violation;

(2) take affirmative or other action as deemed reasonable to eliminate the effect of the violation;

(3) collect the amount of any wages, salary, employment benefits or other compensation denied or lost to the individual; and

(4) assess any civil penalty pursuant to section 14, and amendments thereto.

(c) The civil penalties assessed by the department as well as any other relief requested by the department shall be recoverable in an action brought by the attorney general.

New Sec. 12. Criminal violations of sections 8 through 19, and amendments thereto, may be prosecuted by the attorney general or the district or county attorney for the county in which the violation occurred. Upon determining that a criminal violation may have occurred, the department shall refer the matter to the attorney general or the district or county attorney for the county in which the violation may have occurred. In all other proceedings, the department shall be represented by the attorney general's office.

New Sec. 13. Whenever it appears that any employer or entity has violated a valid order of the department issued under sections 8 through 19, and amendments thereto, the secretary may commence an action and obtain from the court an order commanding the employer or entity to obey the order of the department or be found guilty of contempt of court.

New Sec. 14. (a) An employer or entity that violates any of the provisions of sections 8 through 19, and amendments thereto, or any authorized rules and regulations upon a first violation shall be subject to a civil penalty not to exceed \$2,000 for each violation. An employer or entity shall be subject to a civil penalty not to exceed \$3,000 for each second or subsequent violation within a five-year period. For purposes of this section, each violation

of sections 8 through 19, and amendments thereto, for each person and for each day the violation continues shall constitute a separate and distinct violation. In determining the amount of a penalty, the secretary shall consider the appropriateness of the penalty to the employer or entity charged, upon the determination of the gravity of the violations. The amount of the penalty, when finally determined, may be recovered in a civil action filed in any court by the secretary, or a person aggrieved by a violation of sections 8 through 19, and amendments thereto, or any authorized rules and regulations. In any civil action brought by an interested party pursuant to this section, the court shall award the interested party 10% of the amount recovered. In such case, the remaining amount recovered shall be credited to the employee classification fund.

(b) For any second or subsequent violation which is within five-years of an earlier violation, the department shall add the employer or entity's name to a list to be posted on the department's official website. Upon such notice, the department shall notify the violating employer or entity. No state contract shall be awarded to an employer or entity appearing on the list until four years have elapsed from the date of the last violation.

(c) Any person who willfully violates any of the provisions of sections 8 through 19, and amendments thereto, or any authorized rules and regulations, or obstructs the secretary, or the secretary's representatives, or any other person authorized to inspect places of employment under sections 8 through 19, and amendments thereto, shall be liable for civil penalties up to double the amounts specified in subsection (a). Any person who willfully violates any of the provisions of sections 8 through 19, and amendments thereto, or any authorized rules and regulations, shall be liable to the employee for punitive damages in an amount equal to the penalties assessed in subsection (a). The penalties established pursuant to this subsection shall be imposed in cases in which an employer or entity's conduct is proven by a preponderance of the evidence to be willful.

(d) An entity or employer that willfully violates any provision of sections 8 through 19, and amendments thereto, or that knowingly conspires with, aids and abets or assists another entity or employer in violating any provision of sections 8 through 19, and amendments thereto, is guilty of a class C nonperson misdemeanor. An entity or employer that commits a second or subsequent violation within a five-year period is guilty of a severity level 10, nonperson felony.

New Sec. 15. (a) All moneys received by the department pursuant to sections 8 through 19, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. The state treasurer shall deposit the entire amount of the remittance in the state treasury and credit that portion of the remittance necessary to pay the expenses incurred by the office of the attorney general in carrying out its powers and duties under sections 8 through 19, and amendments thereto, to the attorney general employee classification fund, which is hereby created, and the remainder to the department of labor employee classification fund, which is hereby created.

(b) Subject to appropriations, all expenditures from the attorney general employee classification fund shall be used by the office of the attorney general for investigation, prosecution and other expenses incurred in carrying out its powers and duties under sections 8 through 19, and amendments thereto. All expenditures from the attorney general employee classification fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general.

(c) Subject to appropriations, all expenditures from the department of labor employee classification fund shall be used by the department for administration, investigation and other expenses incurred in carrying out its powers and duties under sections 8 through 19, and amendments thereto. All expenditures from the department of labor employee classification fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

New Sec. 16. (a) It is unlawful for an employer or entity, or any agent of an employer or entity, to retaliate through discharge or in any other manner against any person for exercising any rights granted under sections 8 through 19, and amendments thereto. Such retaliation shall subject an employer or entity to civil penalties pursuant to section 14, and amendments thereto, or a private cause of action, or both.

(b) It is unlawful for an employer or entity to retaliate against a person for:

(1) Making a complaint to an employer or entity, to a co-worker, to a community organization, before a public hearing, or to a state or federal agency that rights guaranteed under sections 8 through 19, and amendments thereto, have been violated;

(2) causing to be instituted any proceeding under or related to sections 8 through 19, and amendments thereto; or

(3) testifying or preparing to testify in an investigation or proceeding under sections 8 through 19, and amendments thereto.

New Sec. 17. (a) An interested party or person aggrieved by a violation of sections 8 through 19, and amendments thereto, or any authorized rules and regulations, by an employer or entity may file suit in court, in the county where the alleged offense occurred or where any person who is party to the action resides, without regard to exhaustion of any alternative administrative remedies provided in sections 8 through 19, and amendments thereto. Actions may be brought by one or more persons for and on behalf of themselves and other persons similarly situated. A person whose rights have been violated under sections 8 through 19, and amendments thereto, by an employer or entity is entitled to collect:

(1) The amount of any wages, salary, employment benefits or other compensation denied or lost to the person by reason of the violation, plus an equal amount in liquidated damages;

(2) compensatory damages and in amount up to \$500 for each violation of sections 8 through 19, and amendments thereto, or any authorized rules and regulations;

(3) in the case of unlawful retaliation, all legal or equitable relief as may be appropriate; and

(4) reasonable attorney's fees and costs.

(b) The right of an interested party or aggrieved person to bring an action under this section terminates upon the passing of three years from the final date of performing services to the employer or entity. This limitations period is tolled if an employer or entity has deterred a person's exercise of rights under sections 8 through 19, and amendments thereto.

New Sec. 18. (a) The department may adopt rules and regulations to implement and administer sections 8 through 19, and amendments thereto.

(b) Any finding made pursuant to sections 8 through 19, and amendments thereto, is for the purpose of enforcing sections 8 through 19, and amendments thereto, and may not be admissible or binding against a party in any other proceeding.

(c) The provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto, shall govern all administrative proceedings initiated under this section.

New Sec. 19. (a) There shall be no waiver of any provision of sections 8 through 19, and amendments thereto.

(b) It is a class C nonperson misdemeanor for an employer or entity to attempt to induce any individual to waive any provision of sections 8 through 19, and amendments thereto.

Sec. 20. K.S.A. 2008 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106, K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.



(c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106 or K.S.A. 46-1114, and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) disclose to the secretary of commerce specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit program administered by the secretary of commerce;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer's name, last known address and residency status to the department of wildlife and parks to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department of social and rehabilitation services for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act (42 U.S.C. §651 et seq.) and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;

(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas pari-mutuel racing act;

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported com-

pensation is in compliance with the Kansas public employees retirement act at K.S.A. 74-4901 et seq., and amendments thereto; and

(13) provide taxpayer information of persons suspected of violating *sections 8 through 19 or K.S.A. 2008 Supp. 44-766*, and amendments thereto, to the staff attorneys of the department of labor for the purpose of determining compliance by any person with the provisions of *sections 8 through 19 or K.S.A. 2008 Supp. 44-766*, and amendments thereto, which information shall be limited to withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., as amended, and the results or status of such audit or investigation.

(d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect on September 1, 1996, and amendments thereto, related federal internal revenue rules or regulations, or other federal Law.

Sec. 21. K.S.A. 2008 Supp. 79-3234 is hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in line 9 and inserting “AN ACT concerning employment; creating the promoting employment across Kansas act; relating to misclassification of employees; amending K.S.A. 2008 Supp. 79-3234 and repealing the existing section.”;

Roll call was demanded.

On roll call, the vote was: Yeas 51; Nays 71; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Benlon, T. Brown, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hermanson, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Slattery, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bowers, Brookens, A. Brown, Brunk, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Grange, Hayzlett, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Gordon, Kiegerl.

The motion of Rep. Mah did not prevail.

Also, roll call was demanded on motion of Rep. D. Gatewood to amend **Sub. HB 2365** on page 2, in line 14, preceding “organized” by inserting “including a lottery gaming facility manager and a racetrack gaming facility manager as defined in K.S.A. 2008 Supp. 74-8702, and amendments thereto.”;

In the title, in line 9, preceding the period by inserting “including employment at lottery gaming facilities and racetrack gaming facilities”;

On roll call, the vote was: Yeas 44; Nays 79; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini,

Otto, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Benlon, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, Furtado, George, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Kiegerl.

The motion of Rep. D. Gatewood did not prevail; and **Sub. HB 2365** be passed as amended.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolutions were thereupon introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5020—

By Representatives George and Neufeld

A CONCURRENT RESOLUTION designating  
the fourth Saturday in July as National Day of the Cowboy.

WHEREAS, Pioneering men and women, recognized as cowboys, helped establish the American West; and

WHEREAS, That cowboy spirit continues to infuse this country with its solid character, sound family values and good common sense; and

WHEREAS, The cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism; and

WHEREAS, Approximately 725,000 ranchers are conducting business in all 50 States and are contributing to the economic well being of nearly every county in the Nation; and

WHEREAS, Annual attendance at professional and working-ranch rodeo events exceeds 27 million fans and is the seventh most-watched sport in the United States; and

WHEREAS, The cowboy is an American icon and to recognize the cowboy is to acknowledge the on-going commitment of the United States to an esteemed and enduring code of conduct; and

WHEREAS, The on-going contributions made by cowboys to their communities should be recognized and encouraged: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we designate the fourth Saturday in July as National Day of the Cowboy and that we encourage the people of Kansas to observe the day with appropriate ceremonies and activities; and

*Be it further resolved:* That the Secretary of State be directed to provide five enrolled copies of this resolution to Representative Pat George.

HOUSE CONCURRENT RESOLUTION No. 5021—

By Representatives George and Neufeld

A CONCURRENT RESOLUTION recognizing  
the contributions of the Kansas Cowboy Hall of Fame.

WHEREAS, The Kansas Cowboy Hall Of Fame is a project of Boot Hill Museum and was developed to preserve and honor the life of the Kansas cowboy. The five inductees each year are honored for their outstanding contribution to the western heritage lifestyle, past and present, and to the preservation of the cowboy culture. The five categories of inductees are Rancher/Cattleman, Cowboy Entertainer, Cowboy Historian, Working Cowboy and Rodeo Cowboy; and

WHEREAS, Without Kansas, the cowboy as we know him—America's greatest folk hero, the core of our national identity and the embodiment of our philosophy of self reliance—would never have come into existence; and

WHEREAS, Dodge City is synonymous with the cowboy and the community is dedicated to preserving the cowboy way of honesty and integrity; and

WHEREAS, Whether you are getting down on that bronc in the chute, backing in the roping box, a working cowboy making a living, watching your favorite western movie, on vacation enjoying a trail ride or just pulling on your boots and hat to go to a rodeo, you are living the cowboy life: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we recognize and thank the Kansas Cowboy Hall of Fame for its contributions to preserving the cowboy way of life that is inherent in the American spirit; and

*Be it further resolved:* That the Secretary of State be directed to provide five enrolled copies of this resolution to Representative Pat George.

#### MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 66**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 212**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 225**, requests a conference and has appointed Senators Schodorf, Vratil and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2260** and has appointed Senators Wysong, Lynn and Holland as conferees on the part of the Senate.

The Senate adopts conference committee report on **S. Sub. for HB 2354**.

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

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### AFTERNOON SESSION

The House met pursuant to recess with Speaker O'Neal in the chair.

#### MESSAGE FROM THE SENATE

Announcing passage of **HB 2221**, as amended.

Announcing adoption of **HCR 5015**.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 91**, requests a conference and has appointed Senators Reitz, Wagle and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2072** and has appointed Senators Vratil, McGinn and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2115** and has appointed Senators Apple, Petersen and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2152** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2250** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The President announced the appointment of Senator Hensley as a member of the conference committee on **SB 225** to replace Senator Kelly.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference

on **SB 66**.

Speaker O'Neal thereupon appointed Reps. Kinzer, Whitham and Pauls as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 91**.

Speaker O'Neal thereupon appointed Reps. Brunk, Grange and Ruiz as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 212**.

Speaker O'Neal thereupon appointed Reps. Neufeld, Kiegerl and Loganbill as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 225**.

Speaker O'Neal thereupon appointed Reps. Huntington, Rhoades and Mah as conferees on the part of the House.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Senate Substitute for HB 2354**, 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 29, by striking the first "and" and inserting a comma;
- On page 12, in line 2, by striking "\$8,231,690" and inserting "\$8,495,544";
- On page 14, in line 36, by striking "\$895,096" and inserting "\$932,476";
- On page 16, in line 2, by striking "\$1,812,999" and inserting "\$1,874,499"; in line 27, by striking "\$139,977" and inserting "\$152,768"; in line 41, by striking "\$750,076" and inserting "\$766,076";
- On page 18, in line 41, by striking "\$2,762,312" and inserting "\$2,820,232";
- On page 20, in line 34, by striking "\$266,706" and inserting "\$283,863";
- On page 26, in line 24, by striking "\$16,113,762" and inserting "\$17,031,301";
- On page 27, in line 30, by striking all following "meeting"; by striking all in lines 31 through 39; in line 40, by striking all preceding the period;
- On page 29, in line 15, by striking all following "meeting"; by striking all in lines 16 through 23; in line 24, by striking all preceding the period;
- On page 30, in line 12, by striking "\$2,422,600" and inserting "\$2,424,333"; in line 18, by striking "\$4,078,506" and inserting "\$4,153,111"; in line 25, by striking "\$963,352" and inserting "\$975,076";
- On page 33, in line 17, by striking "\$4,225,896" and inserting "\$4,403,577";
- On page 44, in line 10, by striking "\$1,177,003" and inserting "\$1,658,928"; in line 12, preceding the period by inserting ": *Provided further*, That \$251,834 shall be expended from this account for technology improvements and professional development before June 30, 2010";
- On page 45, in line 28, by striking "\$11,993,011" and inserting "\$11,993,010";
- On page 47, in line 5, by striking "\$100,803,728" and inserting "\$111,473,614";
- On page 49, in line 36, by striking "\$68,414,349" and inserting "\$66,885,884"; in line 40, by striking "\$9,205,165" and inserting "\$11,041,630";
- On page 52, in line 34, by striking "\$15,497,254" and inserting "\$16,290,795";
- On page 53, following line 33, by inserting the following:
 

"(g) (1) In addition to other purposes for which expenditures may be made by the state corporation commission from the public service regulation fund for fiscal year 2010 for the state corporation commission as authorized by this or other appropriation act of the 2009 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the state corporation commission may make expenditures from the public service regulation fund for fiscal year 2010 for expenses incurred by the Kansas electric transmission

authority: *Provided*, That expenditures from the public service regulation fund for the expenses of the Kansas electric transmission authority for fiscal year 2010 shall not exceed \$98,413.

(2) In addition to other purposes for which expenditures may be made by the state corporation commission from the public service regulation fund for fiscal year 2011 for the state corporation commission as authorized by this or other appropriation act of the 2009 regular session of the legislature or by any appropriation act of the 2010 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the state corporation commission may make expenditures from the public service regulation fund for fiscal year 2011 for expenses incurred by the Kansas electric transmission authority, if the total expenditures for such purpose authorized by the expenditure limitation prescribed by this subsection (g) for fiscal year 2010 are not expended or encumbered for fiscal year 2010, then the amount equal to the amount of such unexpended or encumbered expenditure authority for fiscal year 2010 remaining may be expended by the state corporation commission from the public service regulation fund for fiscal year 2011 for expenses incurred by the Kansas electric transmission authority and any such expenditures for fiscal year 2011 shall be in addition to any expenditure limitation imposed on the public service regulation fund for expenses incurred by the Kansas electric transmission authority for fiscal year 2011.”;

- Also on page 53, in line 41, by striking “\$772,118” and inserting “\$806,222”;
- On page 60, in line 39, by striking “\$0” and inserting “No limit”;
- On page 71, in line 20, by striking “\$1,517,348” and inserting “\$1,604,271”;
- On page 72, in line 6, by striking “\$18,984,261” and inserting “\$19,244,024”;
- On page 90, following line 5, by inserting the following:  
“Sec. 56.

**KANSAS TECHNOLOGY ENTERPRISE CORPORATION**

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2010, the following:

Operations, assistance and grants (including official hospitality) ..... \$10,494,718  
*Provided*, That any unencumbered balance in the operations, assistance and grants (including official hospitality) account as of June 30, 2009, is hereby reappropriated for fiscal year 2010: *Provided further*, That expenditures from the operations, assistance and grants (including official hospitality) account for the fiscal year 2010 for salary and wages shall not exceed \$1,376,416.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2010, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

MAMTC federal fund .....	No limit
KTEC special revenue fund .....	No limit

(c) No moneys appropriated for the fiscal year ending June 30, 2010, by this or other appropriation act of the 2009 regular session of the legislature for the Kansas technology enterprise corporation shall be expended for any bonus or other payment of additional compensation for any officer or employee of the Kansas technology enterprise corporation, or any subsidiary corporation, agency or instrumentality thereof, except longevity bonus payments pursuant to K.S.A. 75-5541, and amendments thereto, or as otherwise specifically authorized by statute or other bonus payments that are in conformance with the governor’s executive order no. 08-09, which was filed with the secretary of state and was effective on June 15, 2008.

(d) In addition to the other purposes for which expenditures may be made by the Kansas technology enterprise corporation from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 for the Kansas technology enterprise corporation as authorized by this or other appropriation act of the 2009 regular session of the legislature, expenditures shall be made by the Kansas technology enterprise corporation from moneys appropriated from the state general fund or any special revenue fund for fiscal

year 2010, notwithstanding the provisions of any other statute, to adopt, implement and administer policies limiting bonus payments that are applicable to all officers and employees of the Kansas technology enterprise corporation for fiscal year 2010, that are equivalent to the provisions of the governor's executive order no. 08-09, or a succeeding executive order of the governor for fiscal year 2010, and that, in addition, include a prohibition on payment of any employee bonuses from any moneys of KTEC Holding, Inc., and to take all administrative and other actions as may be required, including adopting additional policies and entering into such new agreements, or modifications of existing agreements as may be required for the implementation and administration of such policies limiting bonus payments to officers and employees of Kansas technology enterprise corporation for fiscal year 2010.”;

And renumbering sections accordingly;

On page 94, in line 40, by striking “\$6,604,483” and inserting “\$6,932,948”;

On page 96, in line 2, by striking “\$49,875” and inserting “\$49,375”; in line 6, by striking “\$338,017” and inserting “\$95,017”; following line 21, by inserting the following:

“PKU treatment..... \$208,000”;

On page 99, by striking all in lines 40 through 43;

On page 110, in line 32, preceding the period by inserting “: *And provided further*, That notwithstanding the provisions of K.S.A. 2008 Supp. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary of aging shall institute trending methods to provide rate increases for nursing facilities for fiscal year 2010”; in line 43, by striking “\$1,841,286” and inserting “\$1,814,286”;

On page 115, in line 10, by striking “\$18,314,609” and inserting “\$19,514,609”;

On page 116, by striking all in lines 11 through 17;

And relettering remaining subsections accordingly;

On page 117, in line 5, by striking “\$116,760,455” and inserting “\$115,470,727”;

On page 118, in line 10, by striking “\$17,431,428” and inserting “\$17,343,956”;

On page 119, in line 28, by striking “\$57,215,055” and inserting “\$61,215,055”;

On page 120, in line 2, by striking “\$43,928,974” and inserting “\$45,210,781”;

On page 128, in line 14, by striking “\$11,145,231” and inserting “\$11,077,070”; in line 36, by striking “\$374,253,137” and inserting “\$369,788,630”;

On page 129, in line 9, by striking “\$2,022,535,466” and inserting “\$2,001,654,934”;

On page 133, following line 23, by inserting the following:

“(f) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2009, by section 6(a) of chapter 184 of the 2008 Session Laws of Kansas from the state general fund in the Kansas career pipeline grant account, the sum of \$8,305 is hereby lapsed.”;

Also on page 133, in line 28, by striking “\$1,727,355” and inserting “\$1,726,546”; in line 34, by striking “\$3,124,712” and inserting “\$3,192,912”; in line 39, by striking “\$2,052,972” and inserting “\$2,121,197”; in line 41, by striking “\$475,804” and inserting “\$475,779”;

On page 135, in line 14, by striking “\$142,500” and inserting “\$140,625”;

On page 136, in line 35, by striking “\$5,308,529” and inserting “\$5,573,466”; in line 41, by striking “\$70,188” and inserting “\$72,374”;

On page 138, in line 37, by striking “\$32,440,402” and inserting “\$34,386,996”; in line 41, by striking “\$137,382” and inserting “\$139,257”; in line 42, by striking “\$282,466” and inserting “\$287,576”;

On page 141, in line 2, by striking “hays” and inserting “Hays”; preceding line 3, by inserting the following:

“*Provided*, That expenditures made from the federal higher education fiscal stabilization fund—Fort Hays state university shall be expended only for deferred maintenance.”;

Also on page 141, in line 13, by striking “hays” and inserting “Hays”; following line 13, by inserting the following material to read as follows:

“*Provided*, That expenditures made from the federal higher education fiscal stabilization fund—Fort Hays state university shall be expended only for deferred maintenance.”;

Also on page 141, in line 18, by striking “\$102,138,369” and inserting “\$109,301,449”; in line 22, by striking “\$137,625” and inserting “\$139,500”;

On page 144, following line 3, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university shall be expended only for deferred maintenance.”;*

Also on page 144, following line 14, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university shall be expended only for deferred maintenance.”;*

Also on page 144, in line 21, by striking “\$19,472,577” and inserting “\$19,738,609”; in line 26, by striking “\$29,508,814” and inserting “\$31,504,132”;

On page 145, following line 41, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university extension systems and agriculture research programs shall be expended only for deferred maintenance.”;*

On page 146, following line 23, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university extension systems and agriculture research programs shall be expended only for deferred maintenance.”;*

Also on page 146, in line 28, by striking “\$9,853,407” and inserting “\$10,460,071”;

On page 147, following line 35, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university veterinary medical center shall be expended only for deferred maintenance.”;*

On page 148, following line 3, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university veterinary medical center shall be expended only for deferred maintenance.”;*

Also on page 148, in line 8, by striking “\$30,703,760” and inserting “\$32,633,306”; in line 12, by striking “\$222,851” and inserting “\$225,887”; in line 13, by striking “\$133,740” and inserting “\$135,562”;

On page 150, following line 5, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Emporia state university shall be expended only for deferred maintenance.”;*

Also on page 150, following line 16, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Emporia state university shall be expended only for deferred maintenance.”;*

Also on page 150, in line 21, by striking “\$33,807,357” and inserting “\$35,800,245”;

On page 152, following line 16, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Pittsburg state university shall be expended only for deferred maintenance.”;*

Also on page 152, following line 28, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Pittsburg state university shall be expended only for deferred maintenance.”;*

Also on page 152, in line 33, by striking “\$127,861,708” and inserting “\$136,333,684”; in line 37, by striking “\$6,183,591” and inserting “\$6,268,088”; in line 41, by striking “\$137,494” and inserting “\$139,369”;

On page 155, following line 4, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—university of Kansas shall be expended only for deferred maintenance.”;*

Also on page 155, in line 17, by striking “\$28,800” and inserting “\$34,400”; following line 31, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—university of Kansas shall be expended only for deferred maintenance.”;*

Also on page 155, in line 36, by striking “\$103,957,001” and inserting “\$108,184,188”;

On page 156, in line 5, by striking “\$4,573,150” and inserting “\$4,635,650”;

On page 158, following line 8, by inserting the following:



*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—university of Kansas medical center shall be expended only for deferred maintenance.”;*

Also on page 158, following line 33, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—university of Kansas medical center shall be expended only for deferred maintenance.”;*

Also on page 158, in line 38, by striking “\$67,094,198” and inserting “\$68,930,425”;

On page 160, following line 27, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Wichita state university shall be expended only for deferred maintenance.”;*

Also on page 160, following line 42, by inserting the following:

*“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Wichita state university shall be expended only for deferred maintenance.”;*

On page 161, in line 6, by striking “\$3,345,276” and inserting “\$3,475,892”;

On page 162, in line 38, preceding the period, by inserting “: *Provided further, That all expenditures from the military service scholarships account shall be made for scholarships awarded under the military service scholarship program act*”;

On page 163, in line 16, by striking “\$11,199,070” and inserting “\$11,636,840”; in line 18, by striking “\$31,410,031” and inserting “\$32,637,844”; in line 21, by striking “\$1,491,540” and inserting “\$1,548,998”; in line 22, by striking “\$98,140,255” and inserting “\$101,976,543”; in line 24, by striking “\$407,319” and inserting “\$423,241”; in line 30, by striking “education” and inserting “regents”; in line 31, by striking “\$74,165” and inserting “\$76,035”; in line 37, by striking all following “That”; by striking all in lines 38 through 43;

On page 164, by striking all in lines 1 through 12; in line 13, by striking all preceding the period and inserting “all expenditures from the nurse educator grant program account shall be made for scholarships awarded under the nurse educator service scholarship program act”; in line 14, by striking “\$1,829,873” and inserting “\$1,900,000”; in line 27, by striking “\$739,160” and inserting “\$767,693”; by striking all in lines 28 through 36; following line 43, by inserting the following:

“Unified operating grant..... \$424,921”;

On page 167, following line 19, by inserting the following:

*“Provided, That all moneys credited to the federal higher education fiscal stabilization fund shall be expended only for deferred maintenance.”;*

Also on page 167, following line 21, by inserting the following:

*“Provided, That all moneys credited to the federal higher education fiscal stabilization fund—community colleges shall be expended only for deferred maintenance.”;*

Also on page 167, following line 23, by inserting the following:

*“Provided, That all moneys credited to the federal higher education fiscal stabilization fund—municipal university shall be expended only for deferred maintenance.”;*

Also on page 167, following line 25, by inserting the following:

*“Provided, That all moneys credited to the federal higher education fiscal stabilization fund—postsecondary technical education shall be expended only for deferred maintenance.”;*

Also on page 167, in line 43, by striking “year ending” and inserting “years ending June 30, 2009, and”;

On page 168, in line 6, by striking “year ending” and inserting “years ending June 30, 2009, and”; in line 15, by striking “or”; in line 25, preceding the period, by inserting “of such institutions, or (3) a federal fiscal stabilization fund of a community college, the municipal university or an institution of postsecondary technical education”;

On page 169, by striking all in lines 27 through 43;

On page 170, by striking all lines 1 through 20;

And by relettering the remaining subsections accordingly;

On page 171, following line 39, by inserting the following:

*“Provided, That all moneys credited to the federal higher education fiscal stabilization fund shall be expended only for deferred maintenance.”;*

Also on page 171, following line 41, by inserting the following:

*“Provided, That all moneys credited to the federal higher education fiscal stabilization fund—community colleges shall be expended only for deferred maintenance.”;*

Also on page 171, following line 43, by inserting the following:

*“Provided, That all moneys credited to the federal higher education fiscal stabilization fund—municipal university shall be expended only for deferred maintenance.”;*

On page 172, following line 2, by inserting the following:

*“Provided, That all moneys credited to the federal higher education fiscal stabilization fund—postsecondary technical education shall be expended only for deferred maintenance.”;*

Also on page 172, in line 32, by striking “\$47,474,380” and inserting “\$48,120,630”;

On page 177, in line 28, by striking “\$3,430,891” and inserting “\$3,641,968”;

On page 178, in line 21, by striking “\$3,838,351” and inserting “\$3,878,689”; in line 41, by striking “\$17,143,209” and inserting “\$16,932,132”;

On page 181, in line 18, by striking “\$20,188,218” by inserting “\$961,059”; in line 20, by striking all preceding “from” and inserting “70(g) of 2009 House Substitute for Substitute for Senate Bill No. 23.”; in line 21, by striking “operating expenditures” and inserting “purchase of services”;

On page 184, in line 8, by striking “\$0” and inserting “No limit”;

On page 187, in line 42, by striking “\$34,044,235” and inserting “\$34,603,615”;

On page 189, in line 31, by striking “\$18,985,357” and inserting “\$19,520,547”;

On page 190, in line 25, by striking “\$4,823,244.50” and inserting “\$4,957,042”;

On page 191, in line 7, by striking “(I)” and inserting “(i)”; in line 9, by striking “\$8,511,058.75” and inserting “\$8,650,903.75”; following line 16, by inserting the following:

*“(j) On July 1, 2009, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the vehicle identification number fee fund of the Kansas highway patrol to the state general fund: Provided, That the transfer of such amount shall be in addition to any other transfer from the vehicle identification number fee fund to the state general fund as prescribed by law: Provided further, That the amount transferred from the vehicle identification number fee fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the Kansas highway patrol by other state agencies which receive appropriations from the state general fund to provide such services.”;*

*“(k) On July 1, 2009, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$300,000 from the highway patrol motor vehicle fund of the Kansas highway patrol to the state general fund: Provided, That the transfer of such amount shall be in addition to any other transfer from the highway patrol motor vehicle fund to the state general fund as prescribed by law: Provided further, That the amount transferred from the highway patrol motor vehicle fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the Kansas highway patrol by other state agencies which receive appropriations from the state general fund to provide such services.”;*

Also on page 191, in line 21, by striking “\$14,286,269” and inserting “\$15,384,913”;

On page 196, in line 40, by striking “\$662,746” and inserting “\$713,591”;

On page 197, in line 1, by striking “\$7,745,439” and inserting “\$8,134,151”; by striking all in lines 13 through 24;

On page 205, following line 12, by inserting the following:

*“(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 129(a) of chapter 131 of the 2008 Session Laws of Kansas on the state fair fee fund is hereby increased from \$10,000 to \$15,000.”;*

On page 225, in line 25, following “(a)”, by inserting “In addition to the other purposes for which expenditures may be made by the governor’s department from the governor’s department account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the governor’s department from the governor’s department account of the state general fund for fiscal year 2010 for an additional amount of biweekly compensation for the governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$4,300.55 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (a) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the governor for the biweekly pay periods which are chargeable to fiscal year 2010.

(b) (1) In addition to the other purposes for which expenditures may be made by the lieutenant governor from the operations account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the lieutenant governor from the operations account of the state general fund for fiscal year 2010 for an additional amount of biweekly compensation for the lieutenant governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$1,216.39 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (b) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the lieutenant governor for the biweekly pay periods which are chargeable to fiscal year 2010.

(2) In addition to the other purposes for which expenditures may be made by the lieutenant governor from the operations account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the lieutenant governor from the operations account of the state general fund for fiscal year 2010 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the lieutenant governor to the lieutenant governor at the rate prescribed by subsection (a)(1) of K.S.A. 75-3103, and amendments thereto, an aggregate amount of allowance of \$77.68 for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2010 and for each of the 25 ensuing two-week periods thereafter as reimbursement for expenses which are chargeable to fiscal year 2010, notwithstanding the provisions of subsection (a)(1) of K.S.A. 75-3103, and amendments thereto: *Provided*, That all expenditures under this subsection (b)(2) for such purposes shall be made in the same manner that such allowance is payable to the lieutenant governor for such two-week periods for which such allowance is payable in accordance with subsection (a)(1) of K.S.A. 75-3103, and amendments thereto, and which are chargeable to fiscal year 2010.

(c) In addition to the other purposes for which expenditures may be made by the secretary of state from one or more special revenue funds for the fiscal year ending June 30, 2010, expenditures shall be made by the secretary of state from one or more special revenue funds for fiscal year 2010 for an additional amount of biweekly compensation for the secretary of state equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,340.89 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (c) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the secretary of state for the biweekly pay periods which are chargeable to fiscal year 2010.

(d) In addition to the other purposes for which expenditures may be made by the attorney general from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the attorney general from the operating expenditures account of the state general fund for fiscal year 2010 for an additional amount of biweekly compensation for the attorney general equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,841.93 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (d)

for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the attorney general for the biweekly pay periods which are chargeable to fiscal year 2010.

(e) In addition to the other purposes for which expenditures may be made by the state treasurer from one or more special revenue funds for the fiscal year ending June 30, 2010, expenditures shall be made by the state treasurer from one or more special revenue funds for fiscal year 2010 for an additional amount of biweekly compensation for the state treasurer equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,340.89 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (e) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the state treasurer for the biweekly pay periods which are chargeable to fiscal year 2010.

(f) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance department service regulation fund for the fiscal year ending June 30, 2010, expenditures shall be made by the insurance department from the insurance department service regulation fund for fiscal year 2010 for an additional amount of biweekly compensation for the commissioner of insurance equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,340.89 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (f) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the commissioner of insurance for the biweekly pay periods which are chargeable to fiscal year 2010.

(g) (1) In addition to the other purposes for which expenditures may be made by each state agency from appropriations made for the fiscal year ending June 30, 2010, expenditures shall be made by each state agency from the appropriations made for fiscal year 2010 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of a board for any calendar day for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (g) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of a board for the biweekly pay periods for which such per diem compensation for calendar days which are chargeable to fiscal year 2010.

(2) As used in this subsection (g), (A) "state agency" means any state agency of the executive branch of state government (i) which has appropriations made for the fiscal year ending June 30, 2010, by this act or any other appropriation act of the 2009 regular session of the legislature, and (ii) which is, or which makes expenditures for, any board; and

(B) "board" means any board, commission, committee, task force, panel or other body in the executive branch of state government, including any advisory body, having one or more members who are entitled to receive per diem compensation for attendance at meetings of such body, or attendance at meetings authorized by such body of a subcommittee or other subsidiary group of such body, as provided in K.S.A. 75-3212 or 75-3223, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto.

(h) In addition to the other purposes for which expenditures may be made by the Kansas turnpike authority for the period commencing July 1, 2009, and ending June 30, 2010, expenditures shall be made by the Kansas turnpike authority for such period for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after July 1, 2009, for which per diem compensation is payable to such member of the Kansas turnpike authority under K.S.A. 68-2003, and amendments thereto, who is entitled, in accordance with K.S.A. 75-3223, and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212, and amendments

thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (h) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of the Kansas turnpike authority for the appropriate pay periods for which such per diem compensation for calendar days occurring on or after July 1, 2009, and prior to July 1, 2010, is payable by the Kansas turnpike authority.

(i) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2010:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the legislature for service at the regular session or any special session of the legislature for any calendar day which is chargeable to fiscal year 2010; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the legislature and for any other public officer or person for any calendar day for which per diem compensation is payable from appropriations for the legislature to such member of the legislature, public officer or person under K.S.A. 75-3212 or 75-3223, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (i) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislature, public officials and persons for the biweekly pay periods for which such per diem compensation for calendar days is payable and which are chargeable to fiscal year 2010.

(j) (1) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2010 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a, and amendments thereto, an aggregate amount of allowance (A) of \$357.69 for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2010 and for each of the 14 ensuing two-week periods thereafter, and (B) of \$357.69 for the two-week period which coincides with the biweekly payroll period which includes April 4, 2010, which is chargeable to fiscal year 2010 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2010, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this subsection (j)(1) for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable in accordance with this subsection (j)(1) and which are chargeable to fiscal year 2010.

(2) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2011, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2011 for an additional amount of allowance equal to the amount required to provide, along with (A) the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a, and amendments thereto, an aggregate amount of allowance of \$357.69, except as otherwise provided in this subsection (j)(2), for the two-week period which coincides with

the first biweekly payroll period which is chargeable to fiscal year 2011 and for each of the 14 ensuing two-week periods thereafter, and (B) for the two-week period which coincides with the biweekly payroll period which includes April 3, 2011, which is chargeable to fiscal year 2011 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2011, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That, if the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for the payroll periods chargeable to the fiscal year ending June 30, 2011, then the aggregate amount of allowance payable under this subsection (j)(2) for the two-week period which coincides with the first biweekly pay period that such increase is effective and each of the two-week periods thereafter, which are chargeable to fiscal year 2011 and for which such allowance is payable under this subsection (j)(2), shall be increased by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the aggregate amount of allowance otherwise payable under this subsection (j)(2): *Provided further*, That all expenditures under this subsection (j)(2) for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable in accordance with this subsection (j)(2) and which are chargeable to fiscal year 2011.

(k) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2010 for an additional amount of biweekly compensation for the following legislative officers equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation per biweekly pay period for such legislative officers as follows:

(1) For the president of the senate and the speaker of the house of representatives equal to the amount required to provide an aggregate amount of \$545.37 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2010;

(2) for the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives, and the assistant minority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$278.35 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2010;

(3) for the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations equal to the amount required to provide an aggregate amount of \$438.57 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2010;

(4) for the majority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$492.01 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2010; and

(5) for the minority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$492.01 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (k) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to such legislative officers under K.S.A. 46-137b, and amendments thereto, for the biweekly pay periods which are chargeable to fiscal year 2010.

(l) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from the legislative coordinating council—operations account of the

state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the legislative coordinating council from the legislative coordinating council—operations account of the state general fund for fiscal year 2010 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the legislative coordinating council for any calendar day for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209, and amendments thereto, to such member as provided in K.S.A. 75-3212, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (l) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative coordinating council for the biweekly pay periods for which such per diem compensation is payable for calendar days which are chargeable to fiscal year 2010.

(m) In addition to the other purposes for which expenditures may be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for fiscal year 2010:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the legislative post audit committee for any calendar day for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104, and amendments thereto, to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and which is chargeable to fiscal year 2010; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the contract audit committee for any calendar day for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1120, and amendments thereto, to such member as provided in K.S.A. 75-3223, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (m) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative post audit committee or contract audit committee for the biweekly pay periods for which such per diem compensation is payable for calendar days which are chargeable to fiscal year 2010.

(n) In addition to the other purposes for which expenditures may be made by the judicial branch from the judiciary operations account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the judicial branch from the judiciary operations account of the state general fund for fiscal year 2010:

(1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the advisory council on dispute resolution for any calendar day for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505, and amendments thereto, who is entitled, in accordance with subsection (e) of K.S.A. 75-3223, and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and which is chargeable to fiscal year 2010; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616, and amendments thereto, for each calendar day for which per diem compensation is payable to such retired justice or judge

under K.S.A. 20-2616, and amendments thereto, and is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (n) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the advisory council on dispute resolution or to such retired justices or judges for the biweekly pay periods for which such per diem compensation is payable and which are chargeable to fiscal year 2010.

(o) In addition to the other purposes for which expenditures may be made by the judicial council from the operating expenditures account of the state general fund and one or more special revenue funds for the fiscal year ending June 30, 2010, expenditures shall be made by the judicial council from the operating expenditures account of the state general fund for fiscal year 2010 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day for which per diem compensation is payable to such member of the judicial council or a special committee thereof under K.S.A. 20-2206, and amendments thereto, at the rate of compensation in accordance with K.S.A. 75-3212, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (o) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the judicial council or special committees thereof for the biweekly pay periods for which such per diem compensation is payable and which are chargeable to fiscal year 2010.

(p) In addition to the other purposes for which expenditures may be made by state agencies from one or more accounts of the state general fund and one or more special revenue funds in accordance with appropriations for the fiscal year ending June 30, 2010, made by this or other appropriation act of the 2009 regular session of the legislature for additional amounts of compensation for state officers and employees in accordance with the following:

(1) The governor is hereby authorized to modify the pay plan for the classified service under the Kansas civil service act for fiscal year 2010 in accordance with this subsection (p)(1) and to adopt such pay plan as so modified; the existing pay plan for fiscal year 2010 shall be modified to provide for (A) a base pay rate increase of 1.0% in the pay rates of such pay plan, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2010, (B) additional modifications to implement the recommendations of the state employee compensation oversight commission, including (i) the design, development and implementation of the five recommended pay plans, (ii) development and implementation of a new statewide employee performance management system for classified executive branch employees, and (iii) performing market salary surveys on one-third of the executive branch classified workforce annually, and (C) market adjustments to the job classes determined to be significantly below market salary rates, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2010, for positions in such job classifications; the pay plan adopted by the governor under this subsection (p)(1) shall be the pay plan for the classified service under the Kansas civil service act and shall be effective on the first day of the first biweekly payroll period which is specified therefor in this subsection (p)(1) and which is chargeable to the fiscal year ending June 30, 2010; the pay plan adopted by the governor under this subsection (p)(1) for fiscal year 2010 shall be subject to modification and approval as provided under K.S.A. 75-2938, and amendments thereto, and to any enactment of the legislature applicable thereto;

(2) The governor is hereby authorized to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act and whose salaries are subject to approval by the governor under K.S.A. 75-2935b or 75-2935c, and amendments thereto, to provide for base salary increases, to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending on June 30, 2010, for which the base salary increase is authorized in accordance



with this subsection (p)(2), and to be distributed from a salary increase pool: *Provided*, That for each biweekly payroll period which is chargeable to fiscal year 2010, the average of such increases shall not exceed an additional 1.0% of the base salaries of such officers and employees; and

(3) each elected state official of the executive branch of state government, including the state board of education, the state board of regents and the board of trustees of the Kansas public employees retirement system, in each such official, corporation or board's discretion, are hereby authorized to modify or to authorize the modification of the salaries of the state officers and employees of such official, corporation or board, who are in the unclassified service under the Kansas civil service act and whose salaries are not subject to approval by the governor under K.S.A. 75-2935b, and amendments thereto, to provide for base salary increases to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending June 30, 2010, for which the base salary increase is authorized in accordance with this subsection (p)(3), and to be distributed from a salary increase pool: *Provided*, That for each biweekly payroll period which is chargeable to fiscal year 2010, the average of such increases shall not exceed an additional 1.0% of the base salaries of such officers and employees of such official, corporation or board. The provisions of this subsection (p)(3) shall not authorize or provide any salary increase for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, or attorney general, or for any member of any state board, commission, council or committee receiving per diem compensation as provided by statute.

(q)";

Also on page 225, in line 43, by striking "(a)" and inserting "(q)";

On page 226, in line 10, by striking "(a)" and inserting "(q)"; by striking all in lines 13 through 17; in line 18, by striking "(c)" and inserting "(r)"; in line 24, by striking "(a)" and inserting "(q)";

On page 228, in line 20, by striking "\$0" and inserting "No limit";

On page 230, by striking all in lines 19 through 22;

On page 231, in line 10, by striking "\$3,636,655" and inserting "\$4,062,950";

On page 255, following line 14, by inserting the following to read as follows:

"(f) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from any special revenue fund for fiscal year 2010 or fiscal year 2011 as authorized by this or other appropriation act of the 2009 regular session of the legislature or by any appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the university of Kansas medical center of the moneys appropriated from any special revenue fund for fiscal year 2010 or for fiscal year 2011 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to renovate the Hixon/Wahl east/Wahl west laboratory complex: *Provided*, That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas medical center may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$34,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.";

On page 258, following line 8, by inserting the following:

“(d) On the effective date of this act, notwithstanding the provisions of chapter 167 or 201 of the 2007 Session Laws of Kansas, chapter 131, 156, 159, 160, 164, 172 or 184 of the 2008 Session Laws of Kansas, 2009 House Substitute for Substitute for Senate Bill No. 23, or this or any other appropriation act or any other act of the 2009 regular session or any other statute and notwithstanding the provisions of state finance council resolution no. 07-572, the approval of the state finance council for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for capital improvement projects to expand prison capacity, as set forth in state finance council resolution no. 07-572 pursuant to subsection (d) of section 185 of chapter 167 of the 2007 Session Laws of Kansas, and the authority of the Kansas development finance authority to issue any bonds on or after the effective date of this act to finance the cost of such capital improvement projects to expand prison capacity pursuant to such approval, are hereby modified as follows: (1) The limitation on the aggregate amount of revenue bonds authorized to be issued for capital improvement projects to expand prison capacity pursuant to subsection (d) of section 11 of chapter 184 of the 2008 Session Laws of Kansas is hereby decreased from \$19,525,000 to \$1,700,000 and (2) no moneys appropriated for the department of corrections or any correctional institution by chapter 131 or 184 of the 2008 Session Laws of Kansas, 2009 House Substitute for Substitute for Senate Bill No. 23, or this or any other appropriation act or any other act of the 2009 regular session for the fiscal years ending June 30, 2009, or June 30, 2010, shall be expended to authorize or enter into any contract or other agreement to initiate, implement or administer any actual construction work for any such capital improvement project to expand prison capacity prior to July 1, 2010, or to authorize any expenditure of any bond proceeds for any actual construction work for any such capital improvement project to expand prison capacity prior to July 1, 2010, or to authorize, request or otherwise provide for the issuance of any revenue bonds to finance any actual construction work for any such capital improvement project to expand prison capacity to commence, prior to July 1, 2010: *Provided*, That no bonds shall be issued by the Kansas development finance authority to finance any actual construction work for any such capital improvement project to expand prison capacity prior to July 1, 2010, and no money received as proceeds for any such revenue for any actual construction work for any such capital improvement project to expand prison capacity bonds shall be expended prior to July 1, 2010.”;

Also on page 258, in line 15, by striking “\$723,028” and inserting “\$797,198”;

On page 259, following line 16, by inserting the following:

“(b) On July 1, 2009, of the unencumbered balance in the land acquisition account of the state general fund in excess of \$100 as of June 30, 2009, the amount of \$57,717 is hereby reappropriated to the operating expenditures account of the attorney general—Kansas bureau of investigation for fiscal year 2010: *Provided*, That, if the unencumbered balance in the land acquisition account of the state general fund in excess of \$100 as of June 30, 2009, is less than \$57, 717, then any unencumbered balance in the land acquisition account of the state general fund in excess of \$100 as of June 30, 2009, is hereby reappropriated to the operating expenditures account of the attorney general—Kansas bureau of investigation for fiscal year 2010.”;

On page 261, in line 32, by striking “\$3,117,470” and inserting “\$2,617,470”;

On page 275, by striking all in lines 17 through 30 and inserting the following:

“Sec. 137. On July 1, 2009, K.S.A. 2008 Supp. 55-193, as amended by section 87 of 2009 House Substitute for Substitute for Senate Bill No. 23, is hereby amended to read as follows: 55-193. On July 15, 1996, and on the 15th day of each calendar quarter thereafter before July 1, 2016, the director of accounts and reports shall transfer \$100,000 from the state general fund, \$100,000 from the state water plan fund established by K.S.A. 82a-951 and amendments thereto and \$100,000 from the conservation fee fund established by K.S.A. 55-143 and amendments thereto to the abandoned oil and gas well fund established by K.S.A. 55-192 and amendments thereto, except that: (a) No transfers shall be made pursuant to this section from the state general fund to the abandoned oil and gas well fund during state fiscal year 2009 or state fiscal year 2010; ~~and~~ (b) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2009 shall not exceed \$320,000; and (c) the aggregate of the

*transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2010 shall not exceed \$288,000.*”;

On page 278, in line 3, by striking “the effective date of this act” and inserting “July 1, 2009”; in line 36, preceding “subject” by inserting “and on June 1, 2009.”;

On page 280, in line 21, by striking “the amount equal to 50% of”; in line 29, preceding “(C)” by inserting “an amount equal to 50% of the maximum amount determined pursuant to subsection (g) shall be transferred from the state general fund to the business machinery and equipment tax reduction assistance fund on June 1, 2009, and”;

On page 281, in line 43, by striking “the effective date of this act” and inserting “July 1, 2009”;

On page 282, in line 37, preceding “subject” by inserting “and on June 1, 2009.”;

On page 284, in line 17, by striking “the amount equal to 50% of”; in line 25, preceding “(C)” by inserting “and an amount equal to 50% of the maximum amount determined pursuant to subsection (f) shall be transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund on June 1, 2009, and”;

On page 285, by striking all in lines 41 through 43;

By striking all on page 286;

On page 287, by striking all in lines 1 through 7 and inserting the following:

“Sec. 144. On July 1, 2009, K.S.A. 2008 Supp. 79-3425i, as amended by section 90 of 2009 House Substitute for Substitute for Senate Bill No. 23, is hereby amended to read as follows: 79-3425i. On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; (2) the amount of moneys transferred from the state general fund to the special city and county highway fund during state fiscal year 2009 on each such date shall not exceed \$3,330,543.50; and (3) the amount of moneys transferred from the state general fund to the special city and county highway fund during state fiscal year 2010 on each such date shall not exceed ~~\$5,031,832~~ \$2,515,916; and (4) notwithstanding the provisions of K.S.A. 79-3425c and ~~75-3425i~~ 79-3425i, and amendments thereto, or any other statute, the aggregate amount of \$6,661,087 of the moneys credited to the special city and county highway fund shall be paid on or before April 14, 2009, by the state treasurer in accordance with the following to the following counties in the amounts specified respectively therefor with the requirement that the moneys received by each such county shall be deposited and administered in accordance with K.S.A. 79-3425c, and amendments thereto, including any redistributions provided for by that statute: Barton county, \$174,544.98; Butler county, \$890,898.90; Chautauqua county, \$7,293.76; Clay county, \$15,533.75; Comanche county, \$15,525.56; Cowley county, \$151,493.36; Douglas county, \$1,152,561.96; Finney county, \$38,376.16; Geary county, \$41,101.83; Grant county, \$11,827.23; Lane county, \$6,986.21; Leavenworth county, \$655,874.14; Ness county, \$13,000.51; Rice county, \$9,780.91; Russell county, \$18,610.55; Shawnee county, \$3,299,659.69; Sherman county, \$29,689.72; Stevens county, \$7,532.41; Trego county, \$4,257.37; and Wyandotte county, \$116,537.47, which shall be for the purpose of providing such counties, cities and other local governmental entities the amounts that were not paid as directed by statute during state fiscal years 2006, 2007 and 2008. All transfers under this section shall be considered to be demand transfers from the state general fund except that all such transfers during the fiscal years ending June 30, ~~2009~~ 2010, and June 30, ~~2010~~ 2011, shall be considered to be revenue transfers from the state general fund. Any transfers of moneys from the state general fund to the special city and county highway fund during the state fiscal year ending June 30, 2009, pursuant to the provisions of K.S.A. 79-3425i, and amendments thereto, or any other statute, that have been made prior to the effective date of this act shall be reversed by the director of accounts and reports and reversing entries shall be entered upon the accounting records of the state treasurer therefor.

Sec. 145. On July 1, 2009, K.S.A. 2008 Supp. 79-4801, as amended by section 92 of 2009 House Substitute for Substitute for Senate Bill No. 23, is hereby amended to read as follows: 79-4801. There is hereby created the state gaming revenues fund in the state treasury. All moneys credited to such fund shall be expended or transferred only for the purposes and in the manner provided by this act and all expenditures from the state gaming revenues fund shall be made in accordance with appropriation acts. All moneys credited to such fund shall be allocated and credited monthly to the funds and in the amounts specified by this act except that the total of the amounts credited to such funds in any one fiscal year pursuant to this act shall not exceed \$50,000,000, except that the total of the amounts credited to such funds for fiscal year 2009, pursuant to this act shall not exceed \$48,059,846. All amounts credited to such fund in any one fiscal year which are in excess of \$50,000,000 shall be transferred and credited to the state general fund on July 15, 1996, and June 25, 1997, and each year thereafter on June 25, except that: (a) All amounts credited to the state gaming revenues fund in fiscal year 2009 which are in excess of \$48,059,846 shall be transferred and credited to the state general fund on July 15, 2009, and shall be recorded and accounted for as receipts to the state general fund for fiscal year 2009; ~~and~~ (b) all amounts credited to the state gaming revenues fund in fiscal year 2010 which are in excess of \$50,000,000 shall be transferred and credited to the state general fund on July 15, 2010, and shall be recorded and accounted for as receipts to the state general fund for fiscal year 2010; *and (c) all amounts credited to the state gaming revenues fund in fiscal year 2011 which are in excess of \$50,000,000 shall be transferred and credited to the state general fund on July 15, 2011, and shall be recorded and accounted for as receipts to the state general fund for fiscal year 2011.*

Sec. 146. On July 1, 2009, K.S.A. 2008 Supp. 82a-953a, as amended by section 93 of 2009 House Substitute for Substitute for Senate Bill No. 23, is hereby amended to read as follows: 82a-953a. During each fiscal year, the director of accounts and reports shall transfer \$6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, one-half of such amount to be transferred on July 15 and one-half to be transferred on January 15, except that (1) such transfers during each fiscal year commencing after June 30, 2008, are subject to reduction under K.S.A. 75-6704, and amendments thereto, ~~and~~ (2) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2009, shall not exceed \$2,000,000, *and (3) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2010, shall not exceed \$3,295,432.* On the effective date of this act, the director of accounts and reports shall transfer the amount in excess of \$2,000,000 which was transferred from the state general fund to the state water plan fund prior to the effective date of this act during the fiscal year ending June 30, 2009, as certified by the director of the budget to the director of accounts and reports to the state general fund. All transfers under this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, 2008, and June 30, 2009, shall be considered revenue transfers from the state general fund.”;

Also on page 287, in line 8, by striking “the effective date of this act” and inserting “July 1, 2009”; in line 12, following “55-193,” by inserting “as amended by section 87 of 2009 House Substitute for Substitute for Senate Bill No. 23,”; in line 13, by striking “79-4801 and 82a-953a” and inserting “as amended by section 90 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-4801, as amended by section 92 of 2009 House Substitute for Substitute for Senate Bill No. 23, and 82a-953a, as amended by section 93 of 2009 House Substitute for Substitute for Senate Bill No. 23,”;

On page 289, by striking all in lines 15 through 43;

By striking all on page 290;

On page 291, by striking all in lines 1 through 26;

By renumbering the remaining sections accordingly;

In the title, in line 13, by striking “and” and inserting a comma; in line 18, by striking all following “amending”; in line 19, by striking “Kansas,”; in line 20, following “55-193,” by inserting “as amended by section 87 of 2009 House Substitute for Substitute for Senate Bill No. 23,”; in line 24, by striking “79-4801 and 82a-953a” and inserting “as amended by section

90 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-4801, as amended by section 92 of 2009 House Substitute for Substitute for Senate Bill No. 23, and 82a-953a, as amended by section 93 of 2009 House Substitute for Substitute for Senate Bill No. 23.”;

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

JAY SCOTT EMLER  
CAROLYN MCGINN  
LAURA KELLY  
*Conferees on part of Senate*

KEVIN W. YODER  
JASON P. WATKINS  
BILL FEUERBORN  
*Conferees on part of House*

Call of the House was demanded.

On motion of Rep. Yoder, the conference committee report on **S. Sub. for HB 2354** was adopted.

On roll call, the vote was: Yeas 71; Nays 53; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Bowers, Brookens, A. Brown, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Landwehr, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O’Brien, O’Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bethell, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Johnson, Knox, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Slattery, Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Brunk.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 45**, submits the following report:

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

On page 1, after line 15, by inserting the following:

“Section 1. K.S.A. 53-509 is hereby amended to read as follows: 53-509. The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by subsection (a) of K.S.A. 53-508: (a) For an acknowledgment in an individual capacity:

State of \_\_\_\_\_)  
(County) of \_\_\_\_\_)

This instrument was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_ [name(s) of person(s)] \_\_\_\_\_

\_\_\_\_\_  
(Signature of notarial officer)

(Seal, if any)

\_\_\_\_\_  
Title (and Rank)

[My appointment expires: \_\_\_\_\_]

(b) For an acknowledgment in a representative capacity:

State of \_\_\_\_\_  
(County) of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_ [name(s) of person(s)]  
as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instru-  
ment was executed.)

\_\_\_\_\_  
(Signature of notarial officer)

(Seal, if any)

\_\_\_\_\_  
Title (and Rank)

[My appointment expires: \_\_\_\_\_]

(c) For a verification upon oath or affirmation:

State of \_\_\_\_\_  
(County) of \_\_\_\_\_

Signed and sworn to (or affirmed) before me on \_\_\_\_\_ (date) by \_\_\_\_\_ [name(s) of person(s)]  
making statement].

\_\_\_\_\_  
(Signature of notarial officer)

(Seal, if any)

\_\_\_\_\_  
Title (and Rank)

[My appointment expires: \_\_\_\_\_]

(d) For witnessing or attesting a signature:

State of \_\_\_\_\_  
(County) of \_\_\_\_\_

Signed or attested before me on \_\_\_\_\_ (date) by \_\_\_\_\_ [name(s) of person(s)].

\_\_\_\_\_  
(Signature of notarial officer)

(Seal, if any)

\_\_\_\_\_  
Title (and Rank)

[My appointment expires: \_\_\_\_\_]

(e) For attestation of a copy of a document:

State of \_\_\_\_\_  
(County) of \_\_\_\_\_

I certify that this is a true and correct copy of a document in the possession of \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature of notarial officer)

(Seal, if any)

\_\_\_\_\_  
Title (and Rank)

[My appointment expires: \_\_\_\_\_]

(f) For power of attorney in a representative capacity:

State of \_\_\_\_\_  
(County) of \_\_\_\_\_

This instrument was signed before me on \_\_\_\_\_ (date) by \_\_\_\_\_ [name(s) of designee(s)]  
as (power of attorney) of (name of party on behalf of whom instrument was executed.)

*(Seal, if any)*

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*(Signature of notarial officer)*

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*Title (and Rank)**[My appointment expires: \_\_\_\_\_]";*

And by renumbering the remaining sections accordingly;

On page 6, in line 27, after "K.S.A." by inserting "53-509,";

In the title, in line 12, after "K.S.A." by inserting "53-509,";

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

LANCE KINZER

JEFF WHITHAM

JANICE L. PAULS

*Conferees on part of House*

THOMAS C. OWENS

DEREK SCHMIDT

DAVID HALEY

*Conferees on part of Senate*On motion of Rep. Kinzer, the conference committee report on **SB 45** was adopted.

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

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Hill.

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

**HOUSE RESOLUTION No. 6023—**

By Representatives Quigley, Davis, Goico, Goyle, Hineman, Landwehr, Merrick, O'Neal, Ruiz, Siegfried, Tietze and Wetta

A RESOLUTION congratulating the Kansas Medical Society on its 150th Anniversary.

WHEREAS, The Kansas Medical Society was granted a charter of incorporation by the Territorial Legislature on February 10, 1859; and

WHEREAS, The Kansas Medical Society is the oldest corporation in continuous existence in the State of Kansas; and

WHEREAS, The first Governor, Lieutenant Governor and Secretary of State of the new State of Kansas in 1861 were all physicians and incorporators of the Kansas Medical Society; and

WHEREAS, The Kansas Medical Society has benefitted the citizens of our state through a long history of effective advocacy for high standards of medical practice and sound health policy development; and

WHEREAS, The Kansas Medical Society will commemorate its sesquicentennial year at its annual membership meeting May 1-3, 2009, in Topeka: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend the Kansas Medical Society on its 150 years of advocacy and service to the physicians of the state; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives be directed to provide two enrolled copies of this resolution to the Kansas Medical Society and an enrolled copy to Representatives Jill Quigley and Raj Goyle.

#### INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick pursuant to House Rule 2311, **Sub. HB 2365** was advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**Sub. HB 2365**, An act; amending K.S.A. 2008 Supp. 79-3234 and repealing the existing

section creating the promoting employment across Kansas act, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crow, Garcia, Kinzer.

Present but not voting: None.

Absent or not voting: Brunk, Hill.

The substitute bill passed, as amended.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Nuefeld, the House nonconcurrent in Senate amendments to **HB 2308** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Neufeld, Kiegerl and Loganbill as conferees on the part of the House.

#### REPORT ON ENGROSSED BILLS

**Sub. HB 2365** reported correctly engrossed March 31, 2009.

#### REPORT ON ENROLLED BILLS

**Sub. HB 2050; HB 2098; HB 2185, HB 2201, HB 2233** reported correctly enrolled, properly signed and presented to the governor on March 30, 2009.

Also, **HB 2002, HB 2171, HB 2258** reported correctly enrolled, properly signed and presented to the governor on March 31, 2009.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Wednesday, April 1, 2009.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

