

# Journal of the Senate

FIFTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 24, 2010—10:00 a.m.

The Senate was called to order by President Stephen Morris.  
The roll was called with forty senators present.  
President Morris introduced as guest chaplain, Senator Dick Kelsey, who delivered the invocation:

Heavenly Father,

Lord, You have told us in James that if any man lack wisdom, let him ask of God who giveth to all men liberally. Lord, we ask for your wisdom as we seek to make important decisions that affect all Kansans.

Give us, Lord, a spirit of understanding and respect for each other as we may differ on our view points. Let us experience what you told us in Proverbs that in the multitude of counselors there is wisdom.

Thank you for the opportunity to serve the people of this great state. Help each of us to maintain a servant's attitude and let us give you the glory for the good things that are accomplished.

The Pledge of Allegiance was led by President Stephen Morris.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Business and Labor: **Sub HB 2669**.

Federal and State Affairs: **SB 584; HB 2166, HB 2620**.

Natural Resources: **Sub HB 2428**.

Ways and Means: **HB 2666**.

## CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Emler moved the Senate concur in house amendments to **SB 410**.

**SB 410**, An act concerning electronic payments; amending K.S.A. 16a-2-403 and K.S.A. 2009 Supp. 75-30,100 and repealing the existing sections.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Owens moved the Senate concur in house amendments to **SB 460**.

**SB 460**, An act concerning children; relating to permanency; priority of certain orders; amending K.S.A. 38-1116 and 60-3107 and K.S.A. 2009 Supp. 38-1121, 38-2201, 38-2202, 38-2203, 38-2208, 38-2212, 38-2242, 38-2243, 38-2251, 38-2255, 38-2258, 38-2264, 38-

2272, 38-2273, 38-2279, 38-2304, 38-2305, 38-2361 and 60-1610 and repealing the existing sections.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Barnett moved the Senate concur in house amendments to **Sub SB 475**.

**Sub SB 475**, An act concerning funeral directors; amending K.S.A. 65-1714 and K.S.A. 2009 Supp. 65-1713 and repealing the existing sections.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Barnett moved the Senate concur in house amendments to **SB 491**.

**SB 491**, An act concerning respiratory therapists; relating to special permits; amending K.S.A. 65-5508 and repealing the existing section.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Barnett moved the Senate concur in house amendments to **SB 500**.

**SB 500**, An act concerning the healing arts act; regarding an exception to prohibited acts; amending K.S.A. 65-2867 and repealing the existing section.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **Sub SB 67** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Barnett the Senate nonconcurred in the House amendments to **H Sub for SB 83** and requested a conference committee be appointed.

The President appointed Senators Barnett, V. Schmidt and Kelly as a conference committee on the part of the Senate.

On motion of Senator Emler the Senate nonconcurred in the House amendments to **H Sub for SB 146** and requested a conference committee be appointed.

The President appointed Senators Emler, Vratil and Hensley as a conference committee on the part of the Senate.

On motion of Senator Umbarger the Senate nonconcurred in the House amendments to **H Sub for SB 293** and requested a conference committee be appointed.

The President appointed Senators Umbarger, Marshall and Kultala as a conference committee on the part of the Senate.

On motion of Senator Umbarger the Senate nonconcurred in the House amendments to **H Sub for SB 300** and requested a conference committee be appointed.

The President appointed Senators Umbarger, Marshall and Kultala as a conference committee on the part of the Senate.

On motion of Senator Emler the Senate nonconcurred in the House amendments to **H Sub for SB 313** and requested a conference committee be appointed.

The President appointed Senators Emler, McGinn and Kelly as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 346** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 368** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Emler the Senate nonconcurred in the House amendments to **H Sub for SB 449** and requested a conference committee be appointed.

The President appointed Senators Barnett, V. Schmidt and Kelly as a conference committee on the part of the Senate.

#### **CHANGE OF CONFERENCE**

The President announced the appointment of Senator Kelly as a member of the Conference Committee on **SB 62** to replace Senator Haley.

The President announced the appointment of Senator Vratil as a member of the Conference Committee on **SB 268** to replace Senator D. Schmidt.

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

Committee on **Federal and State Affairs** recommends **HB 2180**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2180," as follows:

"SENATE Substitute for HOUSE BILL No. 2180

By Committee on Federal and State Affairs

"AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; creating the Kansas agricultural opportunity act; amending K.S.A. 2009 Supp. 74-8734, 74-8741, 74-8744, 74-8747, 74-8751 and 74-8768 and repealing the existing sections."; and the substitute bill be passed.

#### **COMMITTEE OF THE WHOLE**

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Brungardt in the chair.

On motion of Senator Brungardt the following report for the morning session was adopted:

Recommended **HB 2649** be passed.

**HB 2434**, **HB 2554** be amended by adoption of the committee amendments, and the bills be passed as amended.

**S Sub for Sub HB 2509** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of D. Schmidt on page 2, in line 12, by striking "or (3) child advocacy"; in line 13, by striking "organization" and inserting "(3) any prosecuting attorney, as defined in K.S.A. 22-2202, and amendments thereto; or (4) any bona fide child advocacy organization, including, but not limited to, the National Center for Missing and Exploited Children" and **S Sub for Sub HB 2509** be passed as amended.

**S Sub for Sub HB 2538** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Brownlee on page 2, by striking all in line 6 and 7; in line 8, by striking "(g)" and inserting "(f)"; after line 9, by inserting the following:

"(g) "NAICS" means the North American industry classification system.

(h) "NAICS code industry average wage" means the average wage paid to companies classified in the same NAICS code as the qualified company for the region in which the qualified company intends to employ new employees as reported by the department of labor in its annual report for the previous year.";

And by relettering the remaining subsections accordingly;

Also on page 2, in line 23, by striking "from another"; in line 24, by striking "state"; also in line 24, by striking "a" and inserting "an existing";

On page 4, in line 20, by striking "medium" and inserting "county median";

On page 10, in line 9, after "programs" by inserting "which may be"; in line 10, by striking "the department of"; also in line 10, after "commerce" by inserting "and the acquisition of any necessary software";

On page 17, in line 2, after the period by inserting "The audit shall make a recommendation on the retention or adjustment of the limitation described in subsection (g) of K.S.A. 2009 Supp. 74-50,213, and amendments thereto."; in line 6, by striking all after the period; by striking all in lines 7 through 9;

Senator Holland moved to amend **S Sub for Sub HB 2538** on page 2, line 15, by striking "or main-", and on line 16, by striking "tained" on page 4, line 19, by inserting "being paid the county median wage or higher "after the phrase "taxes for such new employees" and **S Sub for Sub HB 2538** be passed as amended.

**SB 578** be amended by motion of Senator Faust-Goudeau on page 1, after line 17, by inserting the following:

"New Section 1. (a) No supplier of novelty cigarette lighters in this state, including a manufacturer, distributor, importer, retailer or anyone giving away lighters as prizes or promotions, shall sell or give away a novelty lighter. This prohibition does not apply to the transportation of novelty lighters through this state or the storage of novelty lighters in a warehouse or distribution center in this state that is closed to the public for purposes of retail sales.

(b) The provisions of this section shall be enforced by the secretary of the department of revenue. The secretary may adopt rules and regulations necessary to implement the provisions of this section. The secretary or the secretary's designee, upon a finding that a person has violated this section shall impose on such person a civil fine not exceeding \$500 for each violation.

(c) Any fine collected pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the cigarette and tobacco products regulation fund.

(d) (1) For the purposes of this section, "novelty lighter" means a mechanical or electrical device typically used for lighting cigarettes, cigars, or pipes that has entertaining audio or visual effects, or that resembles, in physical form or function, articles commonly recognized as appealing to or intended for use by children 10 years of age or younger. This includes, but is not limited to, lighters that resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel.

(2) The term "novelty lighter" shall not include: (A) A lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame; or (B) any mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills.

(e) This section shall be part of and supplemental to the Kansas cigarette and tobacco products act.";

And by renumbering the remaining sections accordingly

Senator Taddiken moved to amend **SB 578** on page 7, in line 32, before the semicolon, by inserting "within 10 years preceding the date of making an application for such license"

**SB 578** was temporarily passed over.

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a 2/3 constitutional majority, and **SB 2434; S Sub for Sub HB 2509; S Sub for Sub HB 2538; HB 2554, HB 2649** were advanced to Final Action and roll call.

**HB 2434**, An act concerning natural resources; amending K.S.A. 24-412, 32-1015 and K.S.A. 2009 Supp. 24-139a, 24-409 and 32-837 and repealing the existing sections.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**S Sub for Sub HB 2509**, An act creating a private cause of action for victims of child pornography.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Haley.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I reluctantly "PASS" on **HB 2509**.

The underlying intent of this Bill is one we should all whole hearted endorse, and I do. Protecting children from becoming victims of pornography is an unquestionably laudable goal.

Billing these predators with a minimum of \$150,000 is a good cause of action for any civil suit. But my only concern, and one being addressed by other states (google:usatoday), is the so called "sexting" of pornographic materials that so often occurs between consenting teens.

There should be that "Romeo and Juliet" exception, I believe, to this practice in our new otherwise beneficial law. — DAVID HALEY

**S Sub for Sub HB 2538**, An act concerning economic development; pertaining to the promoting employment across Kansas act; pertaining to qualifications for benefits under such act; duties of secretary of revenue; reporting requirements; amending K.S.A. 2009 Supp. 74-50,103, 74-50,108, 74-50,210, 74-50,211, 74-50,212, 74-50,213, 74-50,214, 74-8010, 79-32,153 and 79-32,160a and repealing the existing sections.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

**HB 2554**, An act concerning the economic revitalization and reinvestment act; authorizing the issuance of bonds for certain economic development projects; amending K.S.A. 2009 Supp. 74-50,136 and repealing the existing section.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2649**, An act designating little bluestem (*schizachyrium scoparium*) as the state grass of Kansas.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Masterson, McGinn, Morris, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Marshall, Ostmeyer.

Present and Passing: Huelskamp.

The bill passed.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2685**.

Announcing passage of **SB 519**.

Also, passage of **SB 25**, as amended by House Substitute for **SB 25**; **SB 234**, as amended by House Substitute for **SB 234**; **SB 269**, as amended by House Substitute for **SB 269**; **SB 305**, as amended by House Substitute for **SB 305**; **SB 306**, as amended by House Substitute for **SB 306**; **SB 310**, as amended by House Substitute for **SB 310**; **SB 359**, as amended; **SB 362**, as amended; **SB 377**, as amended by House Substitute for **SB 377**; **SB 381**, as amended by House Substitute for **SB 381**; **SB 388**, as amended; **SB 452**, as amended; Substitute **SB 514**, as amended by House Substitute for Substitute **SB 514**; **SB 537**, as amended; and **SCR 1614**, as amended.

Announcing rejection of **SB 427**, as amended by House Substitute for **SB 427**.

The House announces the appointment of Representative Hineman to replace Representative Kelley as a conferee on **SB 461**.

The House announces the appointment of Representative A. Brown to replace Representative Kiegerl as a conferee on Senate Substitute for **HB 2115**.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2685** was thereupon introduced and read by title.

On motion of Senator D. Schmidt, the Senate recessed until 2:00 p.m.

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#### AFTERNOON-SESSION

The Senate met pursuant to recess with President Morris in the chair.

#### CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Emler the Senate nonconcurrent in the House amendments to **SCR 1614** and requested a conference committee be appointed.

The President appointed Senators Vratil, D. Schmidt and Kelly as a conference committee on the part of the Senate.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Huntington introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1854—

A RESOLUTION welcoming and saluting the members of the Ukraine Delegation to the State of Kansas through the Open World Program of the Library of Congress.

WHEREAS, The Library of Congress sponsors the Open World Program, which brings emerging leaders from Russia, Ukraine and other post-Soviet states to the United States in order to give them firsthand exposure to the American system of participatory democracy and free enterprise; and

WHEREAS, The principles of accountability, transparency and citizen involvement in government are among the concepts emphasized by the Open World Program. The program is administered by the Open World Leadership Center, an independent entity established in the U.S. legislative branch in 2000; and

WHEREAS, The mission statement of the Open World Program is: To enhance understanding and capabilities for cooperation between the United States and the countries of Eurasia and the Baltic States by developing a network of leaders in the region who have gained significant, firsthand exposure to America's democratic, accountable government and free-market system; and

WHEREAS, Members of the Ukraine delegation are with us today through the efforts of the International Visitors Council of Greater Kansas City for a week of activities centered around the theme "Accountable Government." The members of the delegation are Valeriy Mykolayovych Oliynyk, Serhiy Ivanovych Harhat, Oleh Vasylovych Kulinich, Mariya Dmytrivna Porchuk, Serhiy Petrovych Yaremenko and Oleh Mykhaylovych Kurakov; and

WHEREAS, We are especially pleased to have this delegation visit the State of Kansas, as the city of Prairie Village is the sister city to Serhiy Ivanovych Harhat's home town of Dolyna in the Ukraine. We warmly acknowledge our esteemed visitors: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we hereby welcome and salute the members of the Ukraine Delegation and extend them our greetings and best wishes; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide six enrolled copies of this resolution, one for each of the members of the Ukraine delegation.

On emergency motion of Senator Huntington **SR 1854** was adopted unanimously.

Senator Huntington welcomed the Ukraine Delegation to the State of Kansas. Introduced were the following members of the Ukraine delegation: Valeriy Mykolayovych Oliynyk, Serhiy Ivanovych Harhat, Oleh Vasylovych Kulinich, Oleh Mykhaylovych Kurakov, Mariya Dmytrivna Porchuk and Serhiy Petrovych Yaremenko. Alex Tsiovkh and Therese Lindell were also in attendance for their support of the Ukraine delegation.

Senators Petersen, Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Pilcher-Cook, Pyle, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1855—

A RESOLUTION urging the United States Government to support the NewGen Tanker.

WHEREAS, The Boeing Company has been building and maintaining refueling tankers for the United States Air Force for 60 years and has more experience building tankers than any other company on earth; and

WHEREAS, The Boeing NewGen Tanker will be designed to meet all Air Force requirements, incorporate innovative 21st century refueling systems, and will combine a modern digital flight deck with state-of-the-art 787 features; and

WHEREAS, The Boeing-built tankers are safe and survivable in combat, where it counts most; and

WHEREAS, During the previous tanker competition, the Air Force concluded the Boeing tanker was significantly more survivable than the Airbus tanker, and that Boeing's pilot-oriented flight controls provide full combat maneuverability in all situations; and

WHEREAS, Awarding the contract to Boeing would create or retain approximately 50,000 skilled jobs in the United States' high-technology aviation industry and provide good jobs to Kansans; and

WHEREAS, Manufacturing and maintaining our indispensable U.S. air refueling tanker fleet with American hands on American soil is much preferable and more sensible from a national security standpoint than abdicating this vital project to a foreign supplier: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the 40 members of the Kansas Senate stand firmly united in the conviction that the Boeing NewGen Tanker is a superior airframe and that the expertise of the Boeing workforce is second to no one in the world; and that the United States Government and the United States Congress are strongly exhorted to select the Boeing NewGen Tanker; and

*Be it further resolved:* That the Secretary of the Senate be directed to send enrolled copies of this resolution to the President of the United States, the Secretary of Defense, the United States Senate Majority Leader, the United States Senate Republican Leader, the Speaker of the United States House of Representatives, the United States House of Representatives Republican Leader and each member of the Kansas Congressional Delegation.

On emergency motion of Senator Petersen **SR 1855** was adopted unanimously.

#### COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Brungardt in the chair.

On motion of Senator Brungardt the following report for the afternoon session was adopted.

The committee resumed consideration of **SB 578** as amended during the morning session. **SB 578** be passed as amended. Senator Pyle made a motion to return **SB 578** back to the committee.

Upon the showing of five hands a roll call was requested.

On roll call, the vote was: Yeas 19, Nays 19, Present and Passing 2, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Haley, Huelskamp, Kelsey, Lynn, Marshall, Masterson, McGinn, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Kelly, Kultala, Lee, Morris, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Present and Passing: Donovan, Huntington.

The motion failed.

Recommended **HB 2560**, **HB 2561** be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **Sub HB 2345** be adopted, and the substitute bill be passed.

The committee report on **HB 2508** recommending a **Senate Sub for HB 2508** be adopted, and the substitute bill be passed.

**SB 488** be amended by adoption of the committee amendments, be further amended by motion of Senator Reitz on page 2, following line 14, by inserting the following:

"Section 1. K.S.A. 65-177 is hereby amended to read as follows: 65-177. The term "data" as used in this act shall be construed to include all facts, information, records of interviews, written reports, statements, notes, or memoranda secured in connection with an authorized medical research study.

The secretary of health and environment may receive data secured in connection with medical research studies conducted for the purpose of reducing morbidity or mortality from maternal, perinatal and anesthetic causes. Such studies may be conducted by the secretary of health and environment and his staff or with other qualified persons, agencies or organizations. Where authorization to conduct such a study is granted by the secretary of health and environment, all data voluntarily made available to the secretary of health and environment in connection with such study shall be treated as confidential and shall be used solely for purposes of medical research. Research files and opinions expressed upon the evidence



found in such research shall not be admissible as evidence in any action in any court or before any other tribunal: *Provided, however,* That any statistics or tables resulting from such data shall be admissible as evidence: *Provided,* That this act shall not affect the right of any patient or his guardians, representatives or heirs to require hospitals, physicians, sanatoriums, rest homes, nursing homes or other persons or agencies to furnish his hospital record to his representatives upon written authorization, or the admissibility in evidence thereof.

No employee of the secretary of health and environment shall interview any patient named in any such report, nor any relative of any such patient, *unless otherwise provided in K.S.A. 65-2422d, and amendments thereto: Provided,* That nothing in this act shall prohibit the publication by the secretary of health and environment or a duly authorized cooperating person, agency or organization, of final reports or statistical compilations derived from morbidity or mortality studies, which reports or compilations do not identify individuals, associations, corporations or institutions which were the subjects of such studies, or reveal sources of information.”;

On page 5, by striking all in line 12 and inserting the following:

“Sec. 3. K.S.A. 2009 Supp. 65-2422d is hereby amended to read as follows: 65-2422d. (a) The records and files of the division of health pertaining to vital statistics shall be open to inspection, subject to the provisions of this act and rules and regulations of the secretary. It shall be unlawful for any officer or employee of the state to disclose data contained in vital statistical records, except as authorized by this act and the secretary, and it shall be unlawful for anyone who possesses, stores or in any way handles vital statistics records under contract with the state to disclose any data contained in the records, except as authorized by law.

(b) No information concerning the birth of a child shall be disclosed in a manner that enables determination that the child was born out of wedlock, except upon order of a court in a case where the information is necessary for the determination of personal or property rights and then only for that purpose, or except that employees of the office of child support enforcement of the federal department of health and human services shall be provided information when the information is necessary to ensure compliance with federal reporting and audit requirements pursuant to title IV-D of the federal social security act or except that the secretary of social and rehabilitation services or the secretary’s designee performing child support enforcement functions pursuant to title IV-D of the federal social security act shall be provided information and copies of birth certificates when the information is necessary to establish parentage in legal actions or to ensure compliance with federal reporting and audit requirements pursuant to title IV-D of the federal social security act. Nothing in this subsection shall be construed as exempting such employees of the federal department of health and human services or the secretary of social and rehabilitation services or the secretary’s designee from the fees prescribed by K.S.A. 65-2418, and amendments thereto.

(c) Except as provided in subsection (b), and amendments thereto, the state registrar shall not permit inspection of the records or issue a certified copy or abstract of a certificate or part thereof unless the state registrar is satisfied the applicant therefor has a direct interest in the matter recorded and the information contained in the record is necessary for the determination of personal or property rights. The state registrar’s decision shall be subject, however, to review by the secretary or by a court in accordance with the act for judicial review and civil enforcement of agency actions, subject to the limitations of this section.

(d) The secretary shall permit the use of data contained in vital statistical records for research purposes only, but no identifying use of them shall be made. *The secretary shall permit the use of birth, death and still birth certificates as identifiable data for purposes of maternal and child health surveillance and monitoring. The secretary or the secretary’s designee may interview individuals for purposes of maternal and child health surveillance and monitoring only with an approval of the health and environmental institutional review board as provided in title 45, part 46 of the code of federal regulations. The secretary shall inform such individuals that the participation in such surveillance and monitoring is voluntary and may only be conducted with the written consent of the person who is the subject of the information or with the informed consent of a parent or legal guardian if the person is under 18 years of age. Informed consent is not required if the person who is the subject of the information is deceased.*

(e) Subject to the provisions of this section the secretary may direct the state registrar to release birth, death and stillbirth certificate data to federal, state or municipal agencies.

(f) On or before the 20th day of each month, the state registrar shall furnish to the county election officer of each county and the clerk of the district court in each county, without charge, a list of deceased residents of the county who were at least 18 years of age and for whom death certificates have been filed in the office of the state registrar during the preceding calendar month. The list shall include the name, age or date of birth, address and date of death of each of the deceased persons and shall be used solely by the election officer for the purpose of correcting records of their offices and by the clerk of the district court in each county for the purpose of correcting juror information for such county. Information provided under this subsection to the clerk of the district court shall be considered confidential and shall not be disclosed to the public. The provisions of subsection (b) of K.S.A. 45-229, and amendments thereto, shall not apply to the provisions of this subsection.

(g) No person shall prepare or issue any certificate which purports to be an original, certified copy or abstract or copy of a certificate of birth, death or fetal death, except as authorized in this act or rules and regulations adopted under this act.

(h) Records of births, deaths or marriages which are not in the custody of the secretary of health and environment and which were created before July 1, 1911, pursuant to chapter 129 of the 1885 Session Laws of Kansas, and any copies of such records, shall be open to inspection by any person and the provisions of this section shall not apply to such records.

(i) Social security numbers furnished pursuant to K.S.A. 65-2409a and amendments thereto shall only be used as permitted by title IV-D of the federal social security act and amendments thereto or as permitted by section 7(a) of the federal privacy act of 1974 and amendments thereto. The secretary shall make social security numbers furnished pursuant to K.S.A. 65-2409a and amendments thereto available to the department of social and rehabilitation services for purposes permitted under title IV-D of the federal social security act.

(j) Fact of death information may be disseminated to state and federal agencies administering benefit programs. Such information shall be used for file clearance purposes only.

Sec. 4. K.S.A. 65-177 and 65-2402 and K.S.A. 2009 Supp. 65-2422d are hereby repealed.”;

And by renumbering the sections accordingly;

On page 1, in the title, in line 16, by striking “powers”; by striking all in line 17; in line 18, by striking all preceding the semicolon and inserting “office of vital statistics”; in line 19, by striking “65-2402”; also in line 19, before “and” by inserting “65-177 and 65-2402 and K.S.A. 2009 Supp. 65-2422d”; in line 20, by striking “section” and inserting “sections” and **SB 488** be passed as further amended.

Senator Pilcher-Cook moved to amend **SB 488** on page 5, following line 11, by inserting the following:

“Sec. 3. K.S.A. 65-2401 is hereby amended to read as follows: 65-2401. As used in this act: (1) “Vital statistics” includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to birth, adoption, legitimation, death, stillbirth, marriage, divorce, annulment of marriage, induced termination of pregnancy, and data incidental thereto.

(2) “Live birth” means ~~the complete expulsion or extraction from its mother of a product of human conception~~ *a living individual organism of the species homo sapiens*, irrespective of the duration of pregnancy, which, after ~~such~~ expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(3) “Stillbirth” means ~~any complete expulsion or extraction from its mother of a product of human conception~~ *the weight of which is in excess of 350 grams a living individual organism of the species homo sapiens, who dies in utero*, irrespective of the duration of pregnancy, resulting in other than a live birth, as defined in this act, and which is not an induced termination of pregnancy.

(4) “Induced termination of pregnancy” means the purposeful interruption of pregnancy with the intention other than to produce a ~~live-born infant~~ *live birth* or to remove a ~~dead fetus~~ *stillbirth* and which does not result in a live birth.

(5) "Dead body" means a lifeless human body or such parts of a human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

(6) "Person in charge of interment" means any person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.

(7) "Secretary" means the secretary of health and environment.

Sec. 4. K.S.A. 65-2412 is hereby amended to read as follows: 65-2412. (a) A death certificate or stillbirth certificate for each death or stillbirth *where the fetus weighs more than 350 grams* which occurs in this state shall be filed with the state registrar within three days after such death and prior to removal of the body from the state and shall be registered by the state registrar if such death certificate or stillbirth certificate has been completed and filed in accordance with this section. *If the fetus weight is less than or equal to 350 grams, the mother shall have the option of choosing whether or not a stillbirth certificate shall be filed.* If the place of death is unknown, a death certificate shall be filed indicating the location where the body was found as the place of death. A certificate shall be filed within three days after such occurrence; if death occurs in a moving conveyance, the death certificate shall record the location where the dead body was first removed from such conveyance as the place of death.

(b) The funeral director or person acting as such who first assumes custody of a dead body or fetus shall file the death certificate. Such person shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification of cause of death from the physician last in attendance prior to burial. The death certificate filed with the state registrar shall be the official death record, except that a funeral director licensed pursuant to K.S.A. 65-1714, and amendments thereto, may verify as true and accurate information pertaining to a death on a form provided by the state registrar, and any such form, verified within 21 days of date of death, shall be prima facie evidence of the facts therein stated for purposes of establishing death. The secretary of health and environment shall fix and collect a fee for each form provided a funeral director pursuant to this subsection. The fee shall be collected at the time the form is provided the funeral director and shall be in the same amount as the fee for a certified copy of a death certificate.

(c) When death occurred without medical attendance or when inquiry is required by the laws relating to postmortem examinations, the coroner shall investigate the cause of death and shall complete and sign the medical certification within 24 hours after receipt of the death certificate or as provided in K.S.A. 65-2414, and amendments thereto.

(d) In every instance a certificate shall be filed prior to interment or disposal of the body.;

And by renumbering sections accordingly;

Also on page 5, in line 12, by following "K.S.A." by inserting "65-2401,;" also in line 12, by striking "is" and inserting "and 65-2412 are";

On page 1, in the title, in line 18, following "K.S.A." by inserting "65-2401," in line 19, following "65-2402" by inserting "and 65-2412"; in line 20, by striking "section" and inserting "sections"

Upon the showing of five hands a roll call was requested:

On roll call, the vote was: Yeas 18, Nays 21, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Absent or Not Voting: McGinn.

The motion failed and the amendment was rejected.

**SB 572** be amended by adoption of the committee amendments, be further amended by motion of Senator Francisco on page 4, after line 20, by inserting the following:

"Sec. 3. K.S.A. 77-151 is hereby amended to read as follows: 77-151. (a) Each year the revisor of statutes shall edit and prepare for printing and publication such volumes of the Kansas Statutes Annotated as have been included in the detailed budget of the legislative

coordinating council for the revisor of statutes. Except as otherwise provided by law for volumes containing constitutions and the general index, the volume or volumes published each year shall contain all of the statutes in force and effect then contained in the volume or volumes of the Kansas Statutes Annotated being replaced and the then current supplements thereto, together with all acts passed by the current session of the legislature and assigned by the revisor of statutes to chapters in the volume or volumes being newly published.

(b) When more than one volume is being newly published in any year, the material in the replacement volumes shall be divided between or among the replacement volumes as nearly equally as practicable by the revisor of statutes. Each volume shall be printed and bound by the division of printing in the format prescribed by K.S.A. 77-152 and amendments thereto. Replacement volumes shall not contain volume indexes. In editing and preparing the material to be contained in replacement volumes of the Kansas Statutes Annotated for publication, the provisions of K.S.A. 77-133, 77-136, 77-136a and 77-152, and amendments to these statutes, shall govern the revisor and the division of printing, insofar as the same can be made applicable, and the statutes to be contained in replacement volumes shall be authenticated in the same manner as required under K.S.A. 77-137 and amendments thereto. After publication of replacement volumes, each shall thereafter be kept up to date by cumulative supplements in the same manner as provided for supplementation of Kansas Statutes Annotated by K.S.A. 77-163 *et seq.* and amendments thereto.

(c) Replacement volumes of the Kansas Statutes Annotated shall be printed in the number of copies specified by the revisor of statutes, subject to available appropriations, and shall be ~~distributed and~~ sold in the same manner as provided in K.S.A. 77-138 and amendments thereto ~~as for the distribution of volumes of the Kansas Statutes Annotated and distributed in the same manner as provided in K.S.A. 77-163, and amendments thereto.~~;

And by renumbering the remaining sections accordingly;

Also on page 4, in line 31, after "volumes" by inserting "and the replacement volumes"; also in line 31, after "considered" by inserting "a full set of"; in line 35, by striking the comma; in line 36, by striking all before "as";

On page 5, in line 19, after "K.S.A." by inserting "77-151 and K.S.A.";

In the title, in line 11, after "K.S.A." by inserting "77-151 and K.S.A." and **SB 572** be passed as further amended.

**HB 2660** be amended by adoption of the committee amendments, be further amended by motion of Senator D. Schmidt on page 23, following line 17, by inserting the following:

"Sec. 6. K.S.A. 8-1749a is hereby amended to read as follows: 8-1749a. (a) No motor vehicle required to be registered in this state and which is operated on the highways of this state shall be equipped with one-way glass or any sun ~~screen~~ screening device, as defined in K.S.A. 8-1749b, *and amendments thereto*, and used in conjunction with safety glazing materials that do not meet the following requirements:

(1) A sun screening device when used in conjunction with the windshield shall be non-reflective and shall not be red, yellow or amber in color. A sun screening device shall be used only along the top of the windshield and shall not extend downward beyond the AS1 line which is clearly defined and marked;

(2) a sun screening device when used in conjunction with the safety glazing materials of the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rear most window shall be nonreflective; and

(3) the total light transmission shall not be less than 35% when a sun screening device is used in conjunction with safety glazing materials or other existing sun screening devices.

(b) *Subsection (a)(3) shall not apply to a window of a law enforcement motor vehicle that is clearly identified as such by words or other symbols on the outside of the vehicle.*

~~(c)~~ (c) The superintendent of the highway patrol may adopt such rules and regulations necessary to carry out the provisions of ~~subsection (a)~~ *this section*.

~~(d)~~ (d) This section shall not prohibit labels, stickers or other informational signs that are required or permitted by state law.

~~(e)~~ (e) No motor vehicle required to be registered in this state which is operated on the highways of this state shall be equipped with head lamps which are covered with any sun

screen screening device, adhesive film or other glaze or application which, when such lamps are not in operation, is highly reflective or otherwise nontransparent.

~~(c) (1) From and after July 1, 1987, and prior to January 1, 1988, a law enforcement officer shall issue a warning citation to any person violating the provisions of this section:~~

~~(2) From and after January 1, 1988;~~

(f) Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.”;

And by renumbering sections accordingly;

Also on page 23, in line 19, by striking “and 8-1598” and inserting “8-1598 and 8-1749a”;

On page 1, in the title, in line 18, by striking “and 8-1598” and inserting “8-1598 and 8-1749a” and **HB 2660** be passed as further amended.

**S Sub for HB 2582** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Apple on page 2, by striking all in lines 37 through 43;

On page 3, by striking all in lines 1 through 12; in line 17, by striking all after “(b)”;

in line 18, by striking “commence January 1, 2011.”; by striking all in lines 31 through 43;

On page 4, by striking all in lines 1 through 7;

And by relettering the remaining subsections accordingly;

Also on page 4, in line 30, by striking “1.1%” and inserting “1%”;

On page 5, by striking all in lines 15 through 25;

And by relettering the remaining subsections accordingly;

On page 6, in line 31, by striking all after “(a)”;

in line 43, by striking “(c)”;

And by relettering the remaining subsections accordingly;

On page 9, in line 5, after “PSAPs” by inserting “and requiring that each PSAP file such reporting form with the 911 coordinating council by March 1 of each subsequent calendar year”;

On page 12, in line 7, by striking “January 1, 2011” and inserting “July 1, 2012”;

after line 13, by inserting the following:  
 Sec. 19. K.S.A. 2009 Supp. 12-5302 is hereby amended to read as follows: 12-5302. (a) In addition to other powers for the protection of the public health and welfare, a governing body may provide for the operation of an emergency telephone service and may pay for it by imposing an emergency telephone tax for such service in those portions of the governing body’s jurisdiction for which emergency telephone service has been contracted. The governing body may do such other acts as are expedient for the protection and preservation of the public health and welfare and are necessary for the operation of the emergency telephone system. The governing body is hereby authorized by ordinance in the case of cities and by resolution in the case of counties to impose such tax in those portions of the governing body’s jurisdiction for which emergency telephone service has been contracted. Subject to the provisions of K.S.A. 2009 Supp. 12-5338, and amendments thereto, the amount of such tax shall not exceed \$.75 per month per exchange access line or its equivalent. *Collection and remittance of such tax shall be subject to the provisions of section 4, and amendments thereto, and K.S.A. 2009 Supp. 12-5303, and amendments thereto.*

(b) Within 60 days of the publication of a resolution by a county adopted pursuant to subsection (a) there may be filed with the county election officer of the county a petition signed by not less than 5% of the registered voters of the county, and within 60 days of publication of an ordinance adopted pursuant to subsection (a) there may be filed with the county election officer of the county in which the city is located a petition signed by not less than 5% of the registered voters of the city, in either such case requesting that the question of the installation and operation of emergency telephone service and imposition of tax therefor be submitted to the qualified voters of the county. Upon determination of the sufficiency of such petition and certification thereof by the county election officer, the proposition shall be submitted to the qualified voters of the county or city as the case may be at the next primary or general election of county officers following by not less than 60 days the certification of such petition. If a majority of the votes cast at such election are for the installation and operation of emergency telephone service and imposition of tax therefor, or if no protest petition is filed within the time hereinbefore prescribed, the governing body

may provide for the installation and operation of such service and impose such tax. If a tax is imposed on the effective date of this act or thereafter, any proposed increase in the amount of the tax shall be subject to the protest petition provided in this subsection. The proceeds of the tax shall be utilized to pay for the operation of emergency telephone service as set forth in subsection (b) of K.S.A. 12-5304, and amendments thereto, and may be imposed at any time subsequent to execution of a contract with the provider of such service at the discretion of the governing body. The collection of such tax may begin at the time determined to be necessary to generate revenue in an amount necessary to pay the nonrecurring expenses of establishing the emergency telephone service. Any interest earned on revenue derived from such tax shall be used to pay the expenses authorized by K.S.A. 12-5304, and amendments thereto. Such tax shall not be imposed until after the expiration of the protest period or until after approved at an election if a sufficient protest petition is filed.

(c) As an alternative to the procedure provided in subsection (b), the governing body may submit, on its own initiative, the proposal to establish an emergency telephone service to the qualified voters of the city or county for approval. Any such election shall be called and held in the manner provided by the general bond law.

~~(d) Such tax shall be imposed only upon exchange access lines or their equivalent. No such tax shall be imposed upon more than 100 exchange access facilities or their equivalent per person per location.~~

~~(e) Every billed service user shall be liable for any tax imposed under this section until it has been paid to the service supplier. Wireless service shall be exempt from the emergency telephone tax under this section but shall be subject to the wireless enhanced 911 grant fee imposed under K.S.A. 2009 Supp. 12-5324, and amendments thereto, and the wireless enhanced 911 local fee imposed under K.S.A. 2009 Supp. 12-5330, and amendments thereto.~~

~~(f) The duty to collect any tax imposed under authority of this section from a service user shall commence at such time as specified by the governing body. Taxes imposed under authority of this section and required by it to be collected by the service supplier shall be added to and may be stated separately in the billings to the service user.~~

~~(g) The service supplier shall have no obligation to take any legal action to enforce the collection of any tax imposed under authority of this section. The service supplier shall provide annually the governing body with a list of amounts uncollected along with the names and addresses of those service users which carry a balance that can be determined by the service supplier to be nonpayment of any tax imposed under authority of this section.~~

~~(h) Any tax imposed under authority of this section shall be collected insofar as practicable at the same time as, and along with, the charges for the tariff rate in accordance with the regular billing practice of the service supplier.~~

Sec. 20. K.S.A. 2009 Supp. 12-5324 is hereby amended to read as follows: 12-5324. ~~(a)~~ Subject to the provisions of K.S.A. 2009 Supp. 12-5338, and amendments thereto, effective July 1, 2004, there is hereby established a wireless enhanced 911 grant fee in the amount of \$.25 per month per wireless subscriber account with primary place of use in the state of Kansas. It shall be the duty of each wireless carrier to collect such fee from the wireless service user and remit such fee to the secretary as provided by K.S.A. 2009 Supp. 12-5331, ~~and amendments thereto sections 4, 17 and 22, and amendments thereto, until such fee is discontinued.~~

~~(b) Subject to the provisions of K.S.A. 2009 Supp. 12-5338, and amendments thereto, there is hereby established a wireless enhanced 911 grant fee in an amount equal to 1% of the retail price of any prepaid wireless service sold in the state. It shall be the duty of each wholesaler of prepaid wireless service to remit such fee to the secretary as provided by K.S.A. 2009 Supp. 12-5331, and amendments thereto.~~

~~(c) The secretary shall remit to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, any fees received pursuant to this section. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.~~

Sec. 21. K.S.A. 2009 Supp. 12-5330 is hereby amended to read as follows: 12-5330. ~~(a)~~ Effective July 1, 2004, there is hereby imposed a wireless enhanced 911 local fee. ~~Subject to the provisions of K.S.A. 2009 Supp. 12-5338, and amendments thereto, The amount of~~

such fee shall be \$.25 per month per wireless subscriber with primary place of use in the state of Kansas. Such fee shall not be imposed on prepaid wireless service *and shall be subject to the provisions of sections 4 and 9, and amendments thereto.*

—(b) Subject to the provisions of K.S.A. 2009 Supp. 12-5338, and amendments thereto, the proceeds of the wireless enhanced 911 local fee, and any interest earned on revenue derived from such fee, shall be used only for necessary and reasonable costs incurred or to be incurred by PSAP's for: (1) Implementation of wireless enhanced 911 service and VoIP enhanced 911 service; (2) purchase of equipment and upgrades and modification to equipment used solely to process the data elements of wireless enhanced 911 service and VoIP enhanced 911 service; and (3) maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by this act.

—(c) Each PSAP shall submit to the secretary an annual report accounting for the money received by the PSAP from the wireless enhanced 911 local fee. Such report shall be submitted on a form provided by the secretary.

—(d) (1) Subject to the provisions of subsection (d)(3), each PSAP shall submit to wireless carriers a valid request for wireless enhanced 911 service by July 1, 2007.

—(2) Subject to the provisions of subsection (d)(3), if a PSAP has not submitted to wireless carriers a valid request for wireless enhanced 911 service by July 1, 2007: (A) Such PSAP shall pay to the secretary all moneys from the wireless enhanced 911 local fee which have been or are received by such PSAP; (B) the secretary shall notify the local collection point administrator that the PSAP has not made a valid request when required and that distributions of moneys from the wireless enhanced 911 local fee to the PSAP shall be stopped and that such moneys shall be instead remitted to the secretary until the secretary notifies the local collection point administrator that the PSAP has made a valid request; (C) the PSAP thereafter shall not be eligible to receive moneys from the fund or from distributions by the local collection point administrator until the PSAP has submitted to the secretary evidence satisfactory to the secretary that the PSAP has submitted to wireless carriers a valid request for wireless enhanced 911 service. The secretary shall remit any moneys received from the repayment by the PSAP or from distributions by the local collection point administrator to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.

—(3) If a PSAP is unable to make a valid request by July 1, 2007, the advisory board may approve not to exceed two one-year extensions of such date to not later than July 1, 2008; if the advisory board determines that: (A) Equipment necessary to receive and utilize the data elements associated with wireless enhanced 911 service has been ordered by the PSAP but is unavailable, or (B) there is other just cause to extend the date.

Sec. 22. K.S.A. 2009 Supp. 12-5331 is hereby amended to read as follows: 12-5331. (a) Every billed wireless service user shall be liable for the wireless enhanced 911 grant fee and the wireless enhanced 911 local fee until such fees have been paid to the wireless carrier.

—(b) The duty to collect any such fees imposed pursuant to this act shall commence July 1, 2004. Such fees shall be added to and may be stated separately in billings for the subscriber account. If stated separately in billings, the fees shall be labeled "KS E-911 fees."

—(c) The wireless carrier shall have no obligation to take any legal action to enforce the collection of the fees imposed by this act. The wireless carrier shall provide annually to the secretary a list of amounts of uncollected wireless enhanced 911 grant fees along with the names and addresses of those wireless service users which carry a balance that can be determined by the wireless carrier to be nonpayment of such fees. The wireless carrier shall provide annually to the local collection point administrator a list of amounts of uncollected wireless enhanced 911 local fees along with the names and addresses of those wireless service users which carry a balance that can be determined by the wireless carrier to be nonpayment of such fees.

~~—(d) The fees imposed by this act shall be collected insofar as practicable at the same time as, and along with, the charges for wireless service in accordance with regular billing practice of the wireless carrier.~~

~~—(e) The wireless enhanced 911 grant fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the wireless carrier shall be remitted to the secretary not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the secretary in such form as the secretary and the wireless carrier shall agree. The wireless carrier required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the secretary. The wireless carrier shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.~~

~~⊕(b) The wireless enhanced 911 local fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the wireless carrier shall be remitted to the local collection point administrator not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the local collection point administrator. Such return shall be in such form and shall contain such information as required by the administrator. The wireless carrier required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the local collection point administrator. The wireless carrier shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.~~

~~⊕(g) In the case of prepaid wireless telephone service, the monthly wireless enhanced 911 grant fee shall be remitted to the secretary by the wholesaler of the prepaid wireless service not more than 15 days after the close of the calendar month in which the prepaid wireless service is sold by such wholesaler.~~

~~⊕(c) Except as provided by subsection (d) of K.S.A. 2009 Supp. 12-5330, and amendments thereto, Not later than 30 days after receipt of moneys from wireless carriers pursuant to this section, the local collection point administrator shall distribute such moneys collected from the wireless enhanced 911 local fee to PSAP's based upon primary place of use information provided by wireless carriers. The local collection point administrator may retain an administrative fee of not more than 2% of moneys collected from such fee. Moneys which cannot be attributed to a specific PSAP shall be utilized for the purposes set out in subsection (b) of K.S.A. 2009 Supp. 12-5330, and amendments thereto. Until all PSAP's have achieved phase II status, such moneys shall only be distributed for such purposes to PSAP's that have not achieved phase II status. When all PSAP's have achieved phase II status, then such moneys shall be distributed for such purposes to any PSAP.~~

~~⊕(d) The local collection point administrator shall keep accurate accounts of all receipts and disbursements of moneys from the wireless enhanced 911 local fee. The receipts and disbursements shall be audited yearly by a licensed municipal accountant or certified public accountant and the audit report shall be submitted to the secretary *be subject to the audit requirements as set forth in section 13, and amendments thereto.*”;~~

Also on page 12, in line 16, by striking “January 1, 2011” and inserting “July 1, 2012”; also in line 16, by striking “and the”; in line 17, by striking “wireless enhanced 911 local fee”; also in line 17, by striking “the advisory board”; in line 18, by striking “shall be abolished,”; in line 23, after the period by inserting “On the effective date of this act, the advisory board shall be abolished.”; after line 41, by inserting the following:

“Sec. 24. K.S.A. 2009 Supp. 12-5355 is hereby amended to read as follows: 12-5355. ~~⊕~~ Subject to the provisions of ~~K.S.A. 2009 Supp. 12-5361~~ *section 27*, and amendments thereto, effective July 1, 2006, there is hereby established a VoIP enhanced 911 grant fee in the amount of \$.25 per month per VoIP service user. It shall be the duty of each VoIP provider to collect such fee from the VoIP service user and remit such fee ~~to the secretary~~ as provided by ~~K.S.A. 2009 Supp. 12-5357, and amendments thereto~~ *sections 4, 12 and 26, and amendments thereto, until such fee is discontinued.* Notwithstanding any other provision of this act, no VoIP service user shall be liable for, nor shall any VoIP provider be required to



collect, the VoIP enhanced 911 grant fee on any interconnected VoIP service upon which an emergency telephone tax is paid pursuant to K.S.A. 12-5302, and amendments thereto, or upon which a wireless enhanced 911 grant fee is paid pursuant to K.S.A. 12-5324, and amendments thereto. In addition, no service user shall be liable for, nor shall any service supplier, telecommunications public utility, telecommunications carrier or wireless carrier be required to collect the emergency telephone tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, or the wireless enhanced 911 grant fee established pursuant to K.S.A. 12-5324, and amendments thereto, for any interconnected VoIP service upon which a VoIP enhanced 911 fee is paid pursuant to this act.

— (b) The secretary shall remit to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, any fees received pursuant to this section. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.

Sec. 25. K.S.A. 2009 Supp. 12-5356 is hereby amended to read as follows: 12-5356. (a) Effective July 1, 2006, there is hereby imposed a VoIP enhanced 911 local fee. Subject to the provisions of K.S.A. 2009 Supp. 12-5361, and amendments thereto, The amount of such fee shall be \$.25 per month per VoIP service user. Notwithstanding any other provision of this act, no VoIP service user shall be liable for, nor shall any VoIP provider be required to collect, the VoIP enhanced 911 local fee on any interconnected VoIP service upon which an emergency telephone tax is paid pursuant to K.S.A. 12-5302, and amendments thereto, or upon which a wireless enhanced 911 local fee is paid pursuant to K.S.A. 12-5330, and amendments thereto. In addition, no service user shall be liable for, nor shall any service supplier, telecommunications public utility, telecommunications carrier or wireless carrier be required to collect the emergency telephone tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, or the wireless enhanced 911 local fee established pursuant to K.S.A. 12-5330, and amendments thereto, for any interconnected VoIP service upon which a VoIP enhanced 911 fee is paid pursuant to this act. *This section is also subject to the provisions of sections 4 and 12, and amendments thereto.*

(b) The proceeds of the VoIP enhanced 911 local fee, and any interest earned on revenue derived from such fee, shall be used only for the purposes provided in ~~K.S.A. 2009 Supp. 12-5330 section 9,~~ and amendments thereto.

(c) Each PSAP shall submit to the secretary an annual report accounting for the money received by the PSAP from the VoIP enhanced 911 local fee. Such report shall be submitted on a form provided by the secretary, which shall be consolidated with the report accounting for moneys received from the wireless enhanced 911 local fee required pursuant to K.S.A. 2009 Supp. 12-5330, and amendments thereto.

— (d) If pursuant to K.S.A. 2009 Supp. 12-5330, and amendments thereto, a PSAP is required to pay to the secretary all moneys from the wireless enhanced 911 local fee which have been or are received by such PSAP, such PSAP shall also pay to the secretary all moneys from the VoIP enhanced 911 local fee which have been or are received by such PSAP and the secretary shall notify the local collection point administrator that distributions of moneys from the VoIP enhanced 911 local fee to the PSAP shall be stopped and that such moneys shall be instead remitted to the secretary until the PSAP is again eligible to receive moneys from the wireless enhanced 911 local fee. The PSAP thereafter shall not be eligible to receive moneys from distributions by the local collection point administrator until the PSAP is again eligible to receive moneys from the wireless enhanced 911 local fee. The secretary shall remit any moneys received from the repayment by the PSAP or from distributions by the local collection point administrator to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.

Sec. 26. K.S.A. 2009 Supp. 12-5357 is hereby amended to read as follows: 12-5357. (a) Every billed VoIP service user shall be liable for the VoIP enhanced 911 grant fee and the VoIP enhanced 911 local fee until such fees have been paid to the VoIP provider.

— (b) The duty to collect any such fees imposed pursuant to this act shall commence July 1, 2006. Such fees shall be added to and may be stated separately in billings. If stated separately, the fees shall be labeled “KS E-911 fees.”

~~— (c) The VoIP provider shall have no obligation to take any legal action to enforce the collection of the fees imposed by this act. The VoIP provider shall provide annually to the secretary a list of amounts of uncollected VoIP enhanced 911 grant fees along with the names and addresses of those VoIP service users which carry a balance that can be determined by the VoIP provider to be nonpayment of such fees. The VoIP provider shall provide annually to the local collection point administrator a list of amounts of uncollected VoIP enhanced 911 local fees along with the names and addresses of those VoIP service users which carry a balance that can be determined by the VoIP provider to be nonpayment of such fees.~~

~~— (d) The fees imposed by this act shall be collected insofar as practicable at the same time as, and along with, the charges for VoIP service in accordance with regular billing practice of the VoIP provider.~~

~~— (e) The VoIP enhanced 911 grant fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the VoIP provider shall be remitted to the secretary not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the secretary in such form as the secretary and the VoIP provider shall agree. The VoIP provider required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the secretary. The VoIP provider shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.~~

~~(f) (b) The VoIP enhanced 911 local fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the VoIP provider shall be remitted to the local collection point administrator not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the local collection point administrator. Such return shall be in such form and shall contain such information as required by the administrator. The VoIP provider required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the local collection point administrator. The VoIP provider shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.~~

~~(g) (c) Except as provided by subsection (d) of K.S.A. 2009 Supp. 12-5356, and amendments thereto, Not later than 30 days after receipt of moneys from VoIP providers pursuant to this section, the local collection point administrator shall distribute such moneys collected from the VoIP enhanced 911 local fee to PSAP's based upon primary residence information provided by VoIP providers. The local collection point administrator may retain an administrative fee of not more than 2% of moneys collected from such fee.~~

~~(h) (d) The local collection point administrator shall keep accurate accounts of all receipts and disbursements of moneys from the VoIP enhanced 911 local fee. The receipts and disbursements shall be audited yearly by a licensed municipal accountant or certified public accountant and the audit report shall be submitted to the secretary *be subject to the audit requirements as set forth in section 13, and amendments thereto.*~~

On page 13, in line 1, by striking "January 1, 2011" and inserting "July 1, 2012"; also in line 1, by striking "and the VoIP"; in line 2, by striking "enhanced 911 local fee";

On page 22, in line 40, by striking "12-5338, 12-5361," and inserting "12-5302, 12-5324, 12-5330, 12-5331, 12-5355, 12-5356, 12-5357";

Also on page 22, after line 41, by inserting the following:

"Sec. 31. On and after July 1, 2012, K.S.A. 2009 Supp. 12-5338 and 12-5361 are hereby repealed.";

And by renumbering the sections accordingly;

Also on page 22, in line 42, by striking "12-5303,";

On page 23, in line 1, by striking "12-5302,"; also in line 1, by striking "12-5324,"; in line 2, by striking "12-5330, 12-5331,"; in line 4, by striking "12-5355, 12-5356, 12-5357,";

In the title, in line 11, after "Supp." by inserting "12-5302, 12-5324, 12-5330, 12-5331,"; in line 12, after "12-5338," by inserting "12-5355, 12-5356, 12-5357,"; in line 13, by striking

“12-5303,”; in line 14, by striking “12-5302,”; in line 15, by striking “12-5324,”; in line 16, by striking “12-5330, 12-5331,”; in line 17, by striking “12-5355,”; in line 18, by striking “12-5356, 12-5357,”

Senator Brownlee moved to amend **S Sub for HB 2582** on page 7, line 25, by inserting after service:, not to include the purchase of new reflective signs as required by federal mandates, and **S Sub for HB 2582** be passed as amended.

**SB 577; HB 2595** be passed over and retain a place on the calendar.

On emergency motion of Senator D. Schmidt, **HB 2704** was advanced on the calendar under the heading of General Order, to the first order of business.

**HB 2704** be amended by adoption of the committee amendments, be further amended by motion of Senator Schodorf on page 2, by striking all in lines 31 and 32, and inserting the following:

“Sec. 2. K.S.A. 2009 Supp. 72-6441 is hereby amended to read as follows: 72-6441. (a)

(1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose, including any amount attributable to assignment of school facilities weighting to enrollment of the district for each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state court of tax appeals may authorize the district to make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(2) The state court of tax appeals shall certify to the state board of education the amount authorized to be produced by the levy of a tax under subsection (a).

(3) The state court of tax appeals may adopt rules and regulations necessary to effectuate the provisions of this subsection, including rules and regulations relating to the evidence required in support of a district's claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose.

(4) The provisions of this subsection apply to any district that (A) commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing; (B) is authorized to adopt and has adopted a local option budget which is at least equal to that amount required to qualify for school facilities weighting under K.S.A. 2009 Supp. 72-6415b, and amendments thereto; and (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

(b) The board of any district that has levied an ad valorem tax on the taxable tangible property of the district each year for a period of two years under authority of subsection (a) may continue to levy such tax under authority of this subsection each year for an additional period of time not to exceed three years in an amount not to exceed the amount computed by the state board of education as provided in this subsection if the board of the district determines that the costs attributable to commencing operation of one or more new school facilities are significantly greater than the costs attributable to the operation of other school facilities in the district. The tax authorized under this subsection may be levied at a rate which will produce an amount that is not greater than the amount computed by the state board of education as provided in this subsection. In computing such amount, the state board shall (1) determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such

amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year, and (2) compute 75% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the first year of the three-year period for which the district may levy a tax under authority of this subsection, and (3) compute 50% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the second year of the three-year period for which the district may levy a tax under authority of this subsection, and (4) compute 25% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the third year of the three-year period for which the district may levy a tax under authority of this subsection.

(c) The proceeds from the tax levied by a district under authority of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(d) *As used in this section, "taxable tangible property" means real property, personal property, state-assessed property and motor vehicles.*

Sec. 3. K.S.A. 2009 Supp. 72-6449 is hereby amended to read as follows: 72-6449. (a) As used in this section, "school district" or "district" means a school district authorized to make a levy under this section:

(1) "School district" or "district" means a school district authorized to make a levy under this section.

(2) "Taxable tangible property" means real property, personal property, state-assessed property and motor vehicles.

(b) The board of education of any district may levy an *ad valorem* tax on the taxable tangible property within the district for the purpose of financing the costs incurred by the state that are attributable directly to assignment of the cost of living weighting to the enrollment of the district. There is hereby established in every school district a fund which shall be called the cost of living fund, which fund shall consist of all moneys deposited therein or transferred thereto in accordance with law. All moneys derived from a tax imposed pursuant to this section shall be credited to the cost of living fund. The proceeds from the tax levied by a district credited to the cost of living fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(c) The state board of education shall determine whether a district may levy a tax under this section as follows:

(1) Determine the statewide average appraised value of single family residences for the calendar year preceding the current school year;

(2) multiply the amount determined under (1) by 1.25;

(3) determine the average appraised value of single family residences in each school district for the calendar year preceding the current school year; and

(4) (A) subtract the amount determined under (2) from the amount determined under (3). If the amount determined for the district under this paragraph is a positive number and the district is authorized to adopt and has adopted a local option budget in an amount equal to at least 31% of the state financial aid for the school district, the district qualifies for assignment of cost of living weighting and may levy a tax on the taxable tangible property of the district for the purpose of financing the costs that are attributable directly to assignment of the cost of living weighting to enrollment of the district; or

(B) As an alternative to the authority provided in paragraph (4)(A), if a district was authorized to make a levy pursuant to this section in school year 2006-2007, such district shall remain authorized to levy such tax at a rate necessary to generate revenue in the same amount generated in school year 2006-2007 if: (i) The amount determined under paragraph (4)(A) is a positive number; and (ii) the district continues to adopt a local option budget in an amount equal to the state prescribed percentage in effect in school year 2006-2007.

(d) No tax may be levied under this section unless the board of education adopts a resolution authorizing such a tax levy and publishes the resolution at least once in a news-

paper having general circulation in the district. Except as provided by subsection (e), the resolution shall be published in substantial compliance with the following form:

Unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas.

#### RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to levy an ad valorem tax in an amount not to exceed the amount necessary to finance the costs attributable directly to the assignment of cost of living weighting to the enrollment of the district. The ad valorem tax authorized by this resolution may be levied unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after the publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether the levy of such a tax shall be authorized in accordance with the provisions of this resolution to the electors of the school district at the next general election of the school district, as is specified by the board of education of the school district.

#### CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas, on the \_\_\_\_\_ day of \_\_\_\_\_, (year)\_\_\_\_\_.

\_\_\_\_\_  
Clerk of the board of education.

All of the blanks in the resolution shall be filled. If no petition as specified above is filed in accordance with the provisions of the resolution, the resolution authorizing the ad valorem tax levy shall become effective. If a petition is filed as provided in the resolution, the board may notify the county election officer to submit the question of whether such tax levy shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and of no force and effect and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If a majority of the votes cast in an election conducted pursuant to this provision are in favor of the resolution, such resolution shall be effective on the date of such election. If a majority of the votes cast are not in favor of the resolution, the resolution shall be deemed of no effect and no like resolution shall be adopted by the board within the nine months following such election.

Sec. 4. K.S.A. 2009 Supp. 72-6451 is hereby amended to read as follows: 72-6451. (a) As used in this section:

(1) "School district" or "district" means a school district which: (A) Has a declining enrollment; and (B) has adopted a local option budget in an amount which equals at least 31% of the state financial aid for the school district at the time the district applies to the state court of tax appeals for authority to make a levy pursuant to this section.

(2) "Declining enrollment" means an enrollment which has declined in amount from that of the preceding school year.

(3) "*Taxable tangible property*" means *real property, personal property, state-assessed property and motor vehicles.*

(b) (1) (A) A school district may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of declining enrollment weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the amount of revenues lost as a result of the declining enrollment of the district. Such amount shall not exceed 5% of the general fund budget of the district in the school year in which the district applies to the state court of tax appeals for authority to make a levy pursuant to this section.

(B) As an alternative to the authority provided in paragraph (1)(A), if a district was authorized to make a levy pursuant to this section in school year 2006-2007, such district shall remain authorized to make a levy at a rate necessary to generate revenue in the same amount that was generated in school year 2007-2008 if the district adopts a local option budget in an amount equal to the state prescribed percentage in effect in school year 2006-2007.

(2) The state court of tax appeals shall certify to the state board the amount authorized to be produced by the levy of a tax under this section.

(3) The state board shall prescribe guidelines for the data that school districts shall include in cases before the state court of tax appeals pursuant to this section.

(c) A district may levy the tax authorized pursuant to this section for a period of time not to exceed two years unless authority to make such levy is renewed by the state court of tax appeals. The state court of tax appeals may renew the authority to make such levy for periods of time not to exceed two years.

(d) The state board shall provide to the state court of tax appeals such school data and information requested by the state court of tax appeals and any other information deemed necessary by the state board.

(e) There is hereby established in every district a fund which shall be called the declining enrollment fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The proceeds from the tax levied by a district under authority of this section shall be credited to the declining enrollment fund of the district. The proceeds from the tax levied by a district credited to the declining enrollment fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

Sec. 5. K.S.A. 2009 Supp. 72-6441, 72-6449, 72-6451 and 72-8701 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 14, by striking all after the semicolon; by striking all in line 15; in line 16, by striking all before the period and inserting “amending K.S.A. 2009 Supp. 72-6441, 72-6449, 72-6451 and 72-8701 and repealing the existing sections”

Senator Brownlee moved to amend **HB 2704** on page 2, following line 30, by inserting:

“New Sec. 2. Any student transferring from a school which is closed or discontinued as a result of the consolidation of school districts shall be eligible for interschool activities immediately upon enrollment at another attendance center in the consolidated school district, if the student meets the following conditions:

(a) The student enrolls at an attendance center in the vicinity of the student’s home which is close enough so the student may continue to reside at home; and

(b) the student meets all other eligibility requirements concerning enrollment, age, grade-level and academics.”;

And by renumbering the sections accordingly

Senator Hensley made a motion to amend **HB 2704** on page 2, by striking all in lines 31 and 32, and inserting the following:

Sec. 2. K.S.A. 2009 Supp. 72-998 is hereby amended to read as follows: 72-998. (a) As used in this section:

(1) “Medicaid children” means exceptional children who receive special education and related services and for which the district receives medicaid payments.

(2) Words and phrases used in this section, have the meanings ascribed thereto in K.S.A. 72-962, and amendments thereto.

(b) ~~The provisions of this section shall be applicable for school years 2007-2008, 2008-2009 and 2009-2010.~~ The state board shall designate a portion of the amount of moneys appropriated as special education services state aid as medicaid replacement state aid. The amount designated by the state board shall not exceed \$9,000,000 in any school year.

(c) Subject to the limitations of this section and appropriations therefor, each school district shall be entitled to medicaid replacement state aid. The amount of such state aid shall be computed by the state board as provided in this section. The state board shall:

(1) Determine the total number of medicaid children in all school districts on March 1 of each school year;

(2) divide the amount of moneys designated as medicaid replacement state aid by the amount determined under paragraph (1); and

(3) multiply the quotient determined under paragraph (2) by the number of medicaid children in each school district on March 1 of each school year. The product is the amount of medicaid replacement state aid the district is entitled to receive.

(d) All amounts received by a school district under this section shall be deposited in the general fund of the district and shall be transferred to the special education fund of the district.

(e) The board of education of any district desiring to receive state aid pursuant to this section shall submit any documentation or information to the state board as it may request. The state board may establish deadlines for the submission of such documentation and information.

(f) The state board shall make the distribution of moneys under this section prior to determining the amount of state aid to be distributed under K.S.A. 72-978, and amendments thereto.

(g) The state board shall prescribe all forms necessary for reporting under this section. Sec. 3. K.S.A. 2009 Supp. 72-998 and 72-8701 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 14, by striking all after the semicolon; by striking all in line 15; in line 16, by striking all before the period and inserting “amending K.S.A. 2009 Supp. 72-998 and 72-8701 and repealing the existing sections” **and HB 2704** be passed as further amended.

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **SB 488, SB 572, SB 578; Sub HB 2345; S Sub for HB 2508; HB 2560, HB 2561; S Sub for HB 2582; HB 2660, HB 2704** were advanced to Final Action and roll call.

**SB 488**, An act concerning the secretary of health and environment; relating to office of vital statistics; amending K.S.A. 65-177 and 65-2402 and K.S.A. 2009 Supp. 65-2422d and repealing the existing sections.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**SB 572**, An act concerning distribution of certain publications; amending K.S.A. 77-151 and K.S.A. 2009 Supp. 45-116, 77-138 and 77-165 and repealing the existing sections.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**SB 578**, An act concerning the Kansas cigarette and tobacco products act; violations of act; licensing of retail dealers; amending K.S.A. 79-3304, 79-3309, 79-3371, 79-3373, 79-3374, 79-3375, 79-3377, 79-3378 and 79-3379 and K.S.A. 2009 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3310, 79-3311, 79-3312, 79-3316, 79-3321 and 79-3333 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 79-3310c.

On roll call, the vote was: Yeas 18, Nays 21, Present and Passing 1, Absent or Not Voting 0.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Kelly, Kultala, Lee, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Huntington, Kelsey, Lynn, Marshall, Masterson, McGinn, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Taddiken, Wagle.

Present and Passing: Haley.

A constitutional majority having failed to vote in favor of the bill, **SB 578** did not pass.

**Sub HB 2345**, An act concerning insurance; relating to life insurance companies; relating to insurance payments for certain property claims; amending K.S.A. 2009 Supp. 40-401 and 50-626 and repealing the existing section.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

**S Sub for HB 2508**, An act concerning motor vehicle fuel; relating to blending of fuels.

On roll call, the vote was: Yeas 23, Nays 17, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Bruce, Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Lynn, Marshall, McGinn, Morris, Ostmeyer, Schmidt V, Schodorf, Steineger, Taddiken, Vratil.

Nays: Abrams, Brownlee, Colyer, Donovan, Emler, Huelskamp, Kelsey, Masterson, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Teichman, Umbarger, Wagle.

The substitute bill passed.

**HB 2560**, An act concerning real estate salespersons and brokers; relating to licensure; technical amendments; amending K.S.A. 58-3037, 58-3038, 58-3041, 58-3042, 58-3044, 58-3060, 58-3061, 58-30,101, 58-30,102 and 58-30,103 and K.S.A. 2009 Supp. 58-3035, 58-3043, 58-3062 and 58-3068 and repealing the existing sections.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2561**, An act regulating traffic; allowing transit buses to operate on certain right shoulders; amending K.S.A. 8-1517 and repealing the existing section.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Donovan, Schmidt D.

The bill passed, as amended.

**S Sub for HB 2582**, An act concerning emergency communications service; relating to fees, charges, collection and distribution; amending K.S.A. 2009 Supp. 12-5302, 12-5324, 12-5330, 12-5331, 12-5338, 12-5355, 12-5356, 12-5357, 12-5361, 45-221 and 75-5133 and repealing the existing sections; also repealing K.S.A. 12-5301, 12-5304, 12-5305, 12-5306, 12-5307, 12-5308, 12-5309 and K.S.A. 2009 Supp. 12-5310, 12-5321, 12-5322, 12-5323, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5358, 12-5359 and 12-5360.



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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

**HB 2660**, An act relating to vehicles; concerning the registration thereof; regulating traffic; providing for a Boy Scouts of America license plate; amending K.S.A. 2009 Supp. 8-126, 8-145d, 8-197, 8-1598 and 8-1749a and repealing the existing sections.

On roll call, the vote was: Yeas 31, Nays 9, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, McGinn, Morris, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Brownlee, Emler, Haley, Huelskamp, Lynn, Masterson, Ostmeyer, Pilcher-Cook, Pyle.

The bill passed, as amended.

**HB 2704**, An act concerning school districts; amending K.S.A. 2009 Supp. 72-998 72-6441, 72-6449, 72-6451 and 72-8701 and repealing the existing sections.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

#### CHANGE OF REFERENCE

The President withdrew **HB 2410**, **HB 2601** from the Committee on **Education**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **HB 2491** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **HB 2226**; **Sub HB 2453**; **HB 2637** from the Committee on **Judiciary** and referred the bills to the Committee on **Ways and Means**.

The President withdrew **HB 2548** from the Committee on **Natural Resources** and referred the bill to the Committee on **Ways and Means**.

The President withdrew **HB 2484** from the Committee on **Transportation** and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 567**; **SB 569** from the Committee on **Assessment and Taxation** and referred the bills to the Committee on **Ways and Means** and withdrew **SB 516** from the Committee on **Assessment and Taxation** and rereferred the bill to the Committee on **Ways and Means**.

The President withdrew **S Sub for HB 2079**, **S Sub for HB 2082**; **HB 2667**, **HB 2473**, **HB 2595** from the Calendar under the heading of **General Orders** and referred the bills to the Committee on **Ways and Means**.

#### MESSAGE FROM THE GOVERNOR

**SB 376**, **SB 396**, **SB 398**, **SB 409**, **SB 438**, **SB 440**, **SB 451**, **SB 463**, **SB 464**, **SB 489**, **SB 508** approved on March 24, 2010.

**MESSAGE FROM THE HOUSE**

The House nonconcur in Senate amendments to **HB 2540**, requests a conference and appoints Representatives Morrison, Burgess and Trimmer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Substitute SB 67** and has appointed Representatives Colloton and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 83** and has appointed Representatives Landwehr, Crum and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 146** and has appointed Representatives Schwartz, Shultz and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 293** and has appointed Representatives Hayzlett, Vickrey and Long as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 300** and has appointed Representatives Hayzlett, Vickrey and Long as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 313** and has appointed Representatives Yoder, Merrick and Feuerborn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 346** and has appointed Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 368** and has appointed Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 449** and has appointed Representatives Landwehr, Crum and Flaharty as conferees on the part of the House.

**CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR**

Senator Taddiken moved the Senate concur in house amendments to **H Sub for SB 316**.

**H Sub for SB 316**, An act concerning water rights; relating to abandonment and termination; creating a water conservation exception; amending K.S.A. 2009 Supp. 82a-718 and repealing the existing section.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

On motion of Senator Barnett the Senate nonconcurred in the House amendments to **H Sub for SB 25** and requested a conference committee be appointed.

The President appointed Senators Barnett, V. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **H Sub for SB 269** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Schodorf the Senate nonconcurred in the House amendments to **SB 359** and requested a conference committee be appointed.

The President appointed Senators Schodorf, Vratil and Hensley as a conference committee on the part of the Senate.

On motion of Senator Schodorf the Senate nonconcurred in the House amendments to **SB 362** and requested a conference committee be appointed.

The President appointed Senators Schodorf, Vratil and Hensley as a conference committee on the part of the Senate.

On motion of Senator Brownlee the Senate nonconcurred in the House amendments to **H Sub for SB 377** and requested a conference committee be appointed.

The President appointed Senators Brownlee, Vratil and Holland as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **H Sub for SB 381** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 382** and requested a conference committee be appointed.

The President appointed Senators Teichman, Brownlee and Steineger as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 388** and requested a conference committee be appointed.

The President appointed Senators Teichman, Brownlee and Steineger as a conference committee on the part of the Senate.

On motion of Senator Brungardt the Senate nonconcurred in the House amendments to **SB 452** and requested a conference committee be appointed.

The President appointed Senators Brungardt, Reitz and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Brungardt the Senate nonconcurred in the House amendments to **H Sub for SB 514** and requested a conference committee be appointed.

The President appointed Senators Brungardt, Reitz and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 537** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

#### MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5037**.

Announcing passage of **SB 393**.

Also, passage of **Substitute SB 214**, as amended by **House Substitute for Substitute for SB 214, SB 353**, as amended by **Substitute for SB 353; SB 389**, as amended; and **SB 434**, as amended.

The House nonconcurs in Senate amendments to **Senate Substitute for HB 2039**, requests a conference and appoints Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2434**, requests a conference and appoints Representatives Gordon, Donohoe and Benlon as conferees on the part of the House.

The House nonconcurs in Senate amendments to **Senate Substitute for Substitute for HB 2509**, requests a conference and appoints Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House nonconcurs in Senate amendments to **Substitute for HB 2517**, requests a conference and appoints Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2551**, requests a conference and appoints Representatives Gordon, Donohoe and Benlon as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2585**, requests a conference and appoints Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2691**, requests a conference and appoints Representatives Whitham, Hineman and Burroughs as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 213** and has appointed Representatives C. Holmes, Patton and Pauls as conferees on the part of the House.

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

**HCR 5037** were thereupon introduced and read by title.

#### **ORIGINAL MOTION**

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for HB 2039**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **HB 2434**.

The President appointed Senators McGinn, Teichman and Fransisco as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for Sub HB 2509**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **Sub HB 2517**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2540**.

The President appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **HB 2551**.

The President appointed Senators Brownlee, Lynn and Holland as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for HB 2585**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Emler, the Senate acceded to the request of the House for a conference on **HB 2691**.

The President appointed Senators Vratil, McGinn and Kelly as conferees on the part of the Senate.

#### **CHANGE OF CONFERENCE**

The President announced the appointment of Senator Kelly as a member of the Conference Committee on **H Sub for SB 25** to replace Senator Haley.

#### **REPORT ON ENGROSSED BILLS**

**Sub SB 475** reported correctly engrossed March 24, 2010.

Also, **SB 410**, **SB 460**, **SB 491**, **SB 500** correctly re-engrossed March 24, 2010.

**REPORTS OF STANDING COMMITTEES**

Committee on **Public Health and Welfare** recommends **HB 2356**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2356," as follows:

"SENATE Substitute for HOUSE BILL No. 2356

By Committee on Public Health and Welfare

"AN ACT concerning child care; relating to supervision of children in child care facilities and licensing and inspection of family child care homes; amending K.S.A. 39-7, 129, 65-504, 65-506, 65-512, 65-523, 65-524, 65-530 and 65-531 and K.S.A. 2009 Supp. 59-29a11, 65-503, 65-516, 65-525 and 65-526 and repealing the existing sections; also repealing K.S.A. 65-517, 65-518, 65-519, 65-520, 65-521 and 65-522."; and the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2666**, as amended by House Committee, be amended on page 5, in line 43, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 389** and requested a conference committee be appointed.

The President appointed Senators Teichman, Brownlee and Steineger as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 434** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

**CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR**

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 389** and requested a conference committee be appointed.

The President appointed Senators Teichman, Brownlee and Steineger as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 434** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

**CONSIDERATION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

HOUSE CONCURRENT RESOLUTION No. 5037—

By Representatives O'Neal, Merrick and Davis

A CONCURRENT RESOLUTION relating to the 2010 regular session of the legislature; extending such session beyond 90 calendar days; and providing for adjournment thereof.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the House of Representatives and two-thirds of the members elected to the Senate concurring therein:* That the 2010 regular session of the legislature shall be extended beyond 90 calendar days; and

*Be it further resolved:* That the legislature shall adjourn at the close of business of the daily session convened on March 24, 2010, and shall reconvene at 10:00 a.m. on March 29, 2010; and

*Be it further resolved:* That the legislature shall adjourn at the close of business of the daily session convened on March 30, 2010, or at the close of business of the daily session convened on March 31, 2010, or at the close of business of the daily session convened on April 1, 2010, and shall reconvene at 10:00 a.m. on April 28, 2010; and

*Be it further resolved:* That the legislature may adjourn and reconvene at any time during the period on and after April 28, 2010, to May 28, 2010, but the legislature shall reconvene at 10:00 a.m. on May 28, 2010, at which time the legislature shall continue in session and shall adjourn *sine die* at the close of business on May 28, 2010; and

*Be it further resolved:* That the secretary of the senate and the chief clerk of the house of representatives and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

*Be it further resolved:* That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A. 46-137a, and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

*Be it further resolved:* That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the Legislative Coordinating Council or by the President of the Senate or the Speaker of the House of Representatives and members of a conference committee attending a meeting of the conference committee authorized by the President of the Senate and the Speaker of the House of Representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

On motion of Senator D. Schmidt **HCR 5037** was adopted by voice vote.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Monday, March 29, 2010.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*  
PAT SAVILLE, *Secretary of the Senate.*

