

Journal of the House

THIRTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 24, 2011, 9:30 a.m.

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

The roll was called with 121 members present.

Reps. Fund, Kiegerl and K. Wolf were excused on verified illness.

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

Prayer by guest chaplain, the Rev. Bobby Massay, pastor, LifePoint Church, Valley Center, guest of Rep. Huebert:

Representative Vince Wetta's father-in-law died on Wednesday. The funeral will be Friday. Please pray for his family, and especially for his wife Marilyn in the loss of her father, Roman Winter.

Father in heaven, we thank you for your abundant grace that allows us to come before your throne and make our request known to you. Your word promises that your grace is sufficient to help us in our time of need.

Today we ask for your grace as we are in need of your direction for the decisions made in this great assembly hall. Father, we ask that every policy debated, every plan discussed, and every purpose decided upon be filtered through the truth of your precious word. Grant that all those who serve in this House have their hearts turned to you as they ponder the direction we are to go and the course that is to be set.

Father, we are grateful for your loving kindness that leads us to repentance for actions that have not been made out of your leadership but rather our own selfishness. Forgive us, Oh God, for taking advantage of your grace and help us to walk in your ways. Please give to all in this room wisdom to lead and the courage to carry out your will. In Jesus' name, Amen.

The Pledge of Allegiance was led by Rep. Gregory.

Kansas Trivia Question – The Kansas flag hasn't been changed since its adoption in 1927, with one exception. During the state's centennial, what was added to the flag?

Answer: The word "Kansas."

PERSONAL PRIVILEGE

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

In the words of President Dwight D. Eisenhower, "It is fitting and proper that we devote one day each year to paying special tribute to those whose constancy and courage constitute one of the bulwarks guarding the freedom of this nation and the peace of the free world."

Armed Forces Day was created in 1949 following the consolidation of the military services in the Department of Defense to honor Americans serving in the five U.S. military branches – the Army, Navy, Marines, Air Force, and Coast Guard. This morning, our Governor has signed a proclamation designating today, Thursday, February 24th 2011, as Armed Forces Appreciation Day.

Today, 62 years after the formation of the Department of Defense and the first Armed Forces Day, the United States military service members are standing ever vigilant at their posts around the world to keep us safe. The military of the United States is deployed in more than 150 countries and they are working here at home to protect America from threats foreign and domestic. They are risking their lives in the deserts of Iraq and the mountains of Afghanistan. They are serving bravely providing security and peacekeeping missions in Djibouti, Kenya, Kosovo and the Sinai. They provide humanitarian assistance where the world, our nation, and Kansas have a dire need. The Members of our Armed Forces are forging a better future for our Nation and the world.

Today, the National Guard and Reserve not only continue their support to emergencies at home and to active duty units that deploy, but are also deployed themselves. An example is Kansas' own Alpha Company, 2d-137th Combined Arms Battalion, from nearby Lawrence, commanded by Captain Zach Rolf which is in Africa at this moment. They make the extra sacrifice of leaving their full time jobs to deploy and their families are not afforded the support that military families on an active duty post receive.

This brings me to another group which deserves special thanks—the spouses of our service members, spouses who take care of the families and raise the children while their service members are at sea or stationed far away, and spouses who have left our shores to be in a faraway land with their service members. As the members of our all volunteer force carry out their missions, their families make their own sacrifices. Military families make a vital contribution to our nation in the support they give to our men and women in uniform. If they were unwilling to endure the absences, the moves between duty stations, and the worry, our service members would not be able to give their full attention to their missions.

The Soldiers, Sailors, Airmen, Marines, and Coastguardsmen who have answered the call to service deserve recognition and gratitude. They have endured the most difficult of conditions to protect America and her highest ideals.

All Kansans need to know the sacrifices of the Armed Forces of the United States and I ask you to join me in sincere thanks.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **SB 123**.

Corrections and Juvenile Justice: **SB 23, SB 55**.

Education Budget: **SB 8, SB 28, SB 41**.

Elections: **HB 2363, HB 2364; SB 103, SB 125, SB 127, SB 128**.

Federal and State Affairs: **SB 80**.

Government Efficiency: **SB 115**.

Health and Human Services: **HR 6011; SB 90, SB 134**.

Insurance: **SB 85**.

Judiciary: **SB 24, SB 36, SB 46, SB 52, SB 97**.

Taxation: **SB 108**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2296** from the Calendar under the heading General Orders and referral to Committee on Appropriations.

MESSAGES FROM THE SENATE

Announcing passage of **SB 6**.

Also, announcing passage of **Sub. SB 33; SB 67, SB 93, SB 100, SB 119, SB 120, SB 126, SB 150, SB 170, SB 186**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 6; Sub. SB 33; SB 67, SB 93, SB 100, SB 119, SB 120, SB 126, SB 150, SB 170, SB 186.

CONSENT CALENDAR

No objection was made to **HCR 5009** appearing on the consent calendar for the third day. The resolution was advance to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HCR 5009, urging the Environmental Protection Agency to develop regulations and standards that minimize adverse impacts and continue to let state permit writers to determine the best available technology for site specific ecosystems, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes,

Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, Flaharty, Kuether, Lane, Victors.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The resolution was adopted.

HB 2015, AN ACT concerning school districts; relating to the calculation of the local option budget; amending K.S.A. 2010 Supp. 72-6433d and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Peck.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2031, AN ACT concerning criminal procedure; relating to grand juries; amending K.S.A. 22-3001 and repealing the existing section, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr,

Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Flaharty, Frownfelter, Kuether, Tietze, Victors.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2035, AN ACT concerning abortion; regarding certain prohibitions on late-term and partial birth abortion; amending K.S.A. 65-445, 65-6701, 65-6703, 65-6705 and 65-6721 and K.S.A. 2010 Supp. 65-6709 and 65-6710 and repealing the existing sections; also repealing K.S.A. 65-6713, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 25; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Williams, B. Wolf, Wolfe Moore, Worley.

Nays: Ballard, Bollier, Carlin, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Gordon, Henderson, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Roth, Ruiz, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR SPEAKER: In standing with the Governor's promise of less government intrusion into the lives of Kansans, I vote "no" on **HB 2035**. The sacredness of the physician-patient relationship should always be preserved.—BARBARA BOLLIER, ANN MAH, CHARLIE ROTH

MR SPEAKER: I vote no on **HB 2035**. I have stayed firm in my belief that we have too much government intrusion in our lives. Current law prohibits late term abortions. As a Legislator I am not qualified to make decisions that may save the life of the mother - those decisions should be made by the woman, her family and her doctor.—LANA GORDON

HB 2042, AN ACT concerning crimes and punishment; relating to sexually violent crimes, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 2; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, Lane.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2066, AN ACT concerning certain city annexation of fire district territory, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed.

HB 2119, AN ACT concerning political subdivisions; relating to accident response service fees; relating to marking of vehicles; amending K.S.A. 8-305 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 2; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Kelly.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2122, AN ACT concerning the agricultural ethyl alcohol producer incentive fund; relating to extension; amending K.S.A. 2010 Supp. 79-34,161, 79-34,163 and 79-34,164 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 17; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Brown, Denning, Dillmore, Donohoe, Grosserode, Hedke, Hildabrand, Kelley, Kinzer, Landwehr, McLeland, Meigs, Montgomery, Rhoades, Scapa, Smith.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2130, AN ACT concerning labor organizations; relating to political activities; amending K.S.A. 75-4333 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 75; Nays 46; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Calloway, Carlson, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bethell, Bollier, Burgess, Burroughs, Carlin, Cassidy, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grant, Henderson, Henry, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Peterson, Phelps, Prescott, Roth, Ruiz, Schwartz, Slattery, Sloan, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Williams, Winn, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed.

EXPLANATIONS OF VOTE

MR SPEAKER: I vote no on **HB 2130** because it is bad policy that strips Kansas workers of their freedom and from having their voices heard in government. By passing this legislation, the Kansas House is promoting intrusive and over reaching government solely for political gain. This is punitive and petty, and I must vote no, because I believe Kansas workers are smart enough to make their own decisions. —MIKE SLATTERY, TOM BURROUGHS, SYDNEY CARLIN, NILE DILLMORE, BILL FEUERBORN, GAIL FINNEY, GERALDINE FLAHARTY, STAN FROWNFELETER, DOUG GATEWOOD, SEAN GATEWOOD, BOB GRANT, BRODERICK HENDERSON, JERRY HENRY, ANNIE KUETHER, HAROLD LANE, JUDITH LOGANBILL, ANN MAH, MELODY MCCRAY-MILLER, MELANIE MEIER, JANICE L. PAULS, MIKE PETERSON, EBER PHELPS, LOUIS RUIZ, ANNIE TIETZE, ED TRIMMER, PONKA-WE VICTORS, JERRY WILLIAMS, VALDENIA WINN, KATHY WOLFE MOORE

MR SPEAKER: As a card carrying union member for over 20 years, I have experienced personally giving my money to the union only to support people I would not and had no voice with the union, therefore, I support **HB 2130** to protect other union members like myself.—REP. SEIWERT

MR SPEAKER: I vote yes on **HB 2130** to protect Kansas workers. For too long, unions have placed a stranglehold on their members' political contributions. Workers should be granted the freedom to choose whom they support and paycheck protection gives them that ability.—ANTHONY BROWN, TERRILOIS GREGORY, DENNIS HEDKE, FORREST KNOX, KELLY MEIGS, GREG SMITH, BRIAN A. WEBER

MR SPEAKER: I vote Yes on **HB 2130**. I am tired of dues money going to support politicians who support illegal immigration, job killing green regulation, and the elimination of workers right to a secret ballot when unions are organized. Business and

other P.A.C's must write checks, this does level the playing field.—BILL OTTO

MR SPEAKER: I vote yes on **HB 2130**. Kansas is not alone in protecting their workers from forced and coerced political contributions. Seven other states offer similar protection and the United States Supreme Court unanimously ruled paycheck protection to be constitutional. This is not an attack on the first amendment. Our workers should be protected so I vote yes.—ARLEN SIEGFREID, JIM HOWELL, PEGGY MAST

MR SPEAKER: I vote yes on **HB 2130**. State and local government's ability to collect funds and fees for political activities is not an essential function of government. I believe government should not engage in gathering funds to be used for political activities so I vote YES.—KYLE HOFFMAN

MR SPEAKER: In the nine years that I have served in the House, I'm not sure that I have seen a more dismal piece of legislation. The bill has been deemed the Paycheck Protection Act. It really should be called the Political Protection Act for those who support this oppressive piece of legislation. Shame on this body for sacrificing the 1st Amendment right to the political speech of Kansas workers just so some can gain an advantage in the next election. Hard working Kansans deserve better. I vote No on **HB 2130**.—PAUL DAVIS

MR SPEAKER: Disruption of the legislative process by disrespectful shouting by those in the spectator gallery is not the proper way to solicit support for a particular piece of legislation. The chaos and disrespect displayed by individuals who supposedly are union supporters, and that resulted in their expulsion by members of law enforcement, was an outlandish display of disrespect for the legislative process. I believe in mutual respect between parties that may have dissenting views, evidently this group does not share that belief. This inappropriate episode changed my mind and prompted me to a "yes" vote on **HB 2130**.—JOHN C. GRANGE

MR SPEAKER: Tactics of intimidation, both blatant and unprecedented, were publicly displayed today in the gallery of the House of Representatives and outside its chamber to influence elected officials' votes. Those tactics included verbal threats and sexually explicit comments to female legislators and staff. I cannot imagine the intimidation methods unions would be willing to use on their members when no one is watching. Our hard-working, law-abiding union members are asking for protection from such abuse. I vote yes on **HB 2130**.—SCOTT SCHWAB, RICHARD CARLSON, DENNIS HEDKE, LANCE KINZER, MARVIN KLEEB, MICHAEL R. O'NEAL, VIRGIL PECK, JR.

HB 2149, AN ACT concerning the department of wildlife and parks; relating to land acquisition; amending K.S.A. 2010 Supp. 32-833 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 91; Nays 30; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Frownfelter, Garber, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly,

Kerschen, Kinzer, Knox, Loganbill, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Weber, B. Wolf, Wolfe Moore, Worley.

Nays: Ballard, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, D. Gatewood, S. Gatewood, Grange, Grosserode, Henderson, Henry, Kleeb, Kuether, Landwehr, Lane, Mah, McCray-Miller, Meier, Peterson, Phelps, Ruiz, Slattery, Tietze, Victors, Ward, Williams, Winn.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2200, AN ACT concerning school districts; relating to state aid for capital improvements and capital outlay; amending K.S.A. 2010 Supp. 72-8814 and 75-2319 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 42; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Bethell, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Tyson, Vickrey, Weber, B. Wolf, Worley.

Nays: Ballard, Billinger, Burroughs, Carlin, Cassidy, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Johnson, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Pauls, Peterson, Phelps, Pottorff, Roth, Ruiz, Slattery, Sloan, Swanson, Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2218, AN ACT concerning abortion; relating to restrictions on late term abortions; amending K.S.A. 65-445 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 91; Nays 30; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara,

O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, Williams, B. Wolf, Wolfe Moore.

Nays: Aurand, Ballard, Bollier, Carlin, Colloton, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Gordon, Henderson, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Pottorff, Roth, Ruiz, Slattery, Sloan, Spalding, Tietze, Trimmer, Victors, Ward, Winn, Worley.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR SPEAKER: The current accepted standard, based on valid medical data, states that processable fetal pain begins the 29th or 30th week of gestation. The inclusion in this bill of the requirement that a pregnant woman must carry to term a fetus diagnosed with anencephaly, is unconscionable. I vote "no" on **HB 2218** firm in my belief that the government does not belong in this heart wrenching physician-patient relationship.—BARBARA BOLLIER, DON HILL, CHARLIE ROTH

MR SPEAKER: I don't understand how this body can pass a law that requires a woman to carry a terminally ill child to term against the family's wishes. How can a body that supports less government intrude on a family's most tragic circumstance in this way? We are not talking about a mere disability here. We are taking away the right of a family to make end of life decisions for their terminally ill child. That unconscionable. Perhaps we should send a legislator to explain to the family how important it was that the Kansas House of Representatives intervene in a tragic situation to make it the worst day of their lives. I vote no on **HB 2218**.-- ANN MAH, ANNIE KUETHER

MR SPEAKER: I vote no on **HB 2218**. I have stayed firm in my belief that we have too much government intrusion in our lives. Current law prohibits late term abortions. As a Legislator I am not qualified to make decisions that may save the life of the mother, those decisions should be made by the woman, her family and her doctor.—LANA GORDON

MR SPEAKER: Recent dramatic advances in medicine and science have established beyond reasonable doubt that our unborn children can and do feel pain at least from the 22nd week of gestation. Indeed, their pain is even more excruciating than ours, because they have not yet developed the physiological pain defenses we have. That is why surgeons performing in utero surgery on our pain-capable unborn children now routinely administer anesthesia to them. It is barbaric to dismember and kill them via abortion. Their agony is no less just because we can't hear their screams. I vote to protect our pain-capable unborn children. I vote yes on **HB 2218**.—JOHN RUBIN

HB 2231, AN ACT concerning water; relating to multi-year flex accounts; amending K.S.A. 2010 Supp. 82a-736 and repealing the existing section, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2241, AN ACT concerning the Kansas dental practices act; relating to proprietor arrangements with licensees of dentistry; amending K.S.A. 65-1424 and K.S.A. 2010 Supp. 65-1435 and 65-1436 and repealing the existing sections. , was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Tyson.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2251, AN ACT relating to out-of-state pupils; amending K.S.A. 72-6757 and K.S.A. 2010 Supp. 72-6407 and repealing the existing sections, was considered on final

action.

On roll call, the vote was: Yeas 77; Nays 44; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Bethell, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Collins, Colloton, Crum, DeGraaf, Denning, Fawcett, Garber, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mah, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Tyson, Ward, Weber, B. Wolf, Worley.

Nays: Alford, Ballard, Billinger, Burroughs, Carlin, Cassidy, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Kelly, Kuether, Lane, Loganbill, McCray-Miller, Meier, Moxley, Pauls, Peck, Peterson, Phelps, Roth, Ruiz, Ryckman, Schwartz, Slattery, Sloan, Swanson, Tietze, Trimmer, Vickrey, Victors, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2294, AN ACT concerning cities; relating to annexation; amending K.S.A. 12-519, 12-520b, 12-521, 12-531, 12-532 and 60-2301 and K.S.A. 2010 Supp. 25-432 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 33; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Frownfelter, Garber, S. Gatewood, Goico, Gonzalez, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Lane, Mah, Mast, McCray-Miller, McLeland, Meigs, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Powell, Prescott, Rhoades, Roth, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Suellentrop, Trimmer, Tyson, Vickrey, Winn, B. Wolf, Wolfe Moore.

Nays: Bollier, Burroughs, Calloway, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, D. Gatewood, Goodman, Grant, Henry, Kelly, Kuether, Loganbill, Meier, Mesa, Phelps, Pottorff, Proehl, Ruiz, Schroeder, Slattery, Spalding, Swanson, Tietze, Victors, Ward, Weber, Williams, Worley.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2329, AN ACT concerning courts; relating to expunged records; relating to petitions for relief; amending K.S.A. 22-4701 and 22-4705 and K.S.A. 2010 Supp. 12-4516a, 22-2410 and 38-2312 and section 254 of chapter 136 or the 2010 Session Laws of Kansas repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 11; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleebe, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Carlin, Dillmore, Finney, Flaharty, Grosserode, Lane, Patton, Ruiz, Siegfried, Slattery, Victors.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Brown, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2076**, **HB 2075**, **HB 2196** be passed.

HB 2197, **HB 2152**; **Sub. HB 2188** be passed over and retain a place on the calendar.

On motion of Rep. Knox to amend **HB 2034**, the motion did not prevail.

Also, on further motion of Rep. Knox, **HB 2034** be amended on page 1, following line 28, by inserting:

"Sec. 2. K.S.A. 2010 Supp. 8-1560c is hereby amended to read as follows: 8-1560c. (a) Any conviction or forfeiture of bail or bond for violating a maximum posted or authorized speed limit of 30 miles per hour or more but not exceeding 54 miles per hour on any highway, by not more than six miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(b) Any conviction or forfeiture of bail or bond for violating the maximum posted or authorized speed limit of 55 miles per hour or more but not exceeding ~~70~~ 75 miles per hour on any highway, by not more than 10 miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

Sec. 3. K.S.A. 2010 Supp. 8-1560d is hereby amended to read as follows: 8-1560d. Convictions for violating a maximum posted speed limit of 55 miles per hour or more but not exceeding ~~70~~ 75 miles per hour, by not more than 10 miles per hour in excess of such maximum speed limit, or a maximum posted speed limit of 30 miles per hour or more but not exceeding 54 miles per hour, by not more than six miles per hour in excess of such maximum speed limit, shall not be reported by the division and shall not be considered by any insurance company in determining the rate charged for any

automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.";

And by renumbering sections accordingly;

Also on page 1, in line 29, by striking "is " and inserting ", 8-1560c and 8-1560d are";

On page 1, in the title, in line 2, after "highways;" by inserting "violations;" in line 3, after "8-1558" by inserting ", 8-1560c and 8-1560d"; also in line 3 by striking "section" and inserting "sections"; and **HB 2034** be passed as amended.

Committee report recommending a substitute bill to **HB 2069** be adopted; and the substitute bill be passed.

Committee report to **HB 2101** be adopted; and the bill be passed as amended.

Committee report to **HB 2282** be adopted; and the bill be passed as amended.

Committee report to **HB 2120** be adopted; and the bill be passed as amended.

On motion of Rep. Ward, **HB 2105**, be amended on page 2, in line 30, by striking "14" and inserting "10";

On page 3, in line 7, by striking "14" and inserting "10"; and **HB 2105** be passed as amended.

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

AFTERNOON SESSION

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

MESSAGE FROM THE SENATE

Announcing passage of **SB 9, SB 59, SB 61, SB 63, SB 74, SB 76, SB 79, SB 83, SB 104, SB 122, SB 129, SB 133, SB 135, SB 139, SB 143, SB 145, SB 155, SB 160, SB 176, SB 179, SB 188.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 9, SB 59, SB 61, SB 63, SB 74, SB 76, SB 79, SB 83, SB 104, SB 122, SB 129, SB 133, SB 135, SB 139, SB 143, SB 145, SB 155, SB 160, SB 176, SB 179, SB 188.

On motion of Rep. Siegfroid, the House resolved into the Committee of the Whole, with Rep. Brown in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Brown, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2147, HB 2077** be passed.

Committee report to **HB 2258** be adopted; and the bill be passed as amended.

Committee report to **HB 2201** be adopted; also, on motion of Rep. Aurand be amended on page 1, in line 7, by striking "equal to the state prescribed"; in line 8, by striking "percentage" and inserting "not less than 30% of the state financial aid of the

district in the current school year";

Also, on motion to recommend **HB 2201** favorably for passage, the motion did not prevail.

Committee report recommending a substitute bill to **HB 2191** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **HB 2135** be adopted; also, roll call was demanded on motion of Rep. Slattery to amend on page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 27;

On page 28, by striking all in lines 1 through 27; and inserting the following:

"New Section 1. As used in sections 1 through 12, and amendments thereto:

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

(b) "Contractor" means any sole proprietor, partnership, limited partnership, firm, corporation, limited liability company, association or other business entity that registers with the secretary of state who engages in construction. "Contractor" shall include a general contractor and a subcontractor.

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

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

(e) (1) "Employer" means any contractor that employs individuals deemed employees under section 2, and amendments thereto.

(2) "Employer" shall not include the:

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

(B) federal government.

(f) (1) "Entity" means any contractor for which an individual is performing services and is not classified as an employee under section 2, and amendments thereto.

(2) "Entity" does not include the:

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

(B) federal government.

(g) "Interested party" means a person with an interest in compliance with sections 1 through 12, and amendments thereto.

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

(i) "Sole proprietor" means a person who solely owns an unincorporated business.

New Sec. 2. (a) For the purposes of sections 1 through 12, and amendments thereto, an individual performing services for a contractor is deemed to be an employee of the employer except as provided in subsections (b) and (c).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Where a sole proprietor or partnership performing services for a contractor as a subcontractor is deemed not legitimate under subsection (c), the sole proprietorship or partnership shall be deemed an individual for purposes of sections 1 through 12, and amendments thereto. (e) Subcontractors or lower tiered contractors are subject to all provisions of sections 1 through 12, and amendments thereto.

(f) Except as provided in section 7, and amendments thereto, a contractor shall not be liable under sections 1 through 12, and amendments thereto, for any subcontractor's failure to properly classify persons performing services as employees, nor shall a subcontractor be liable for any lower tiered subcontractor's failure to properly classify

persons performing services as employees.

New Sec. 3. It is unlawful for an employer or entity not to designate an individual as an employee under section 2, and amendments thereto, unless the employer or entity satisfies the provisions of section 2, and amendments thereto.

New Sec. 4. (a) Any interested party may file a complaint with the department against an entity or employer covered under sections 1 through 12, and amendments thereto, if there is a reasonable belief that the entity or employer is in violation of sections 1 through 12, and amendments thereto. It shall be the duty of the department to enforce the provisions of sections 1 through 12, and amendments thereto. The department shall have the power to conduct investigations in connection with the administration and enforcement of sections 1 through 12, and amendments thereto. Any investigator with the department shall be authorized to visit and inspect, at all reasonable times, any places covered by sections 1 through 12, and amendments thereto, and shall be authorized to inspect, at all reasonable times, documents related to the determination of whether an individual is an employee under section 2, and amendments thereto. The secretary or the secretary's representative may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers and other evidence in any investigation and may administer oaths to witnesses.

(b) Whenever the department believes upon investigation that there has been a violation of any of the provisions of sections 1 through 12, and amendments thereto, or any authorized rules or regulations, the department may:

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

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

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

(4) assess any civil penalty pursuant to section 7, and amendments thereto.

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

New Sec. 5. Criminal violations of sections 1 through 12, and amendments thereto, may be prosecuted by the attorney general or the district or county attorney for the county in which the violation occurred. Upon determining that a criminal violation may have occurred, the department shall refer the matter to the attorney general or the district or county attorney for the county in which the violation may have occurred. In all other proceedings, the department shall be represented by the attorney general's office.

New Sec. 6. Whenever it appears that any employer or entity has violated a valid order of the department issued under sections 1 through 12, and amendments thereto, the secretary may commence an action and obtain from the court an order commanding the employer or entity to obey the order of the department or be found guilty of contempt of court.

New Sec. 7. (a) An employer or entity that violates any of the provisions of sections 1 through 12, and amendments thereto, or any authorized rules and regulations upon a first violation shall be subject to a civil penalty not to exceed \$2,000 for each

violation. An employer or entity shall be subject to a civil penalty not to exceed \$3,000 for each second or subsequent violation within a five-year period. For purposes of this section, each violation of sections 1 through 12, and amendments thereto, for each person and for each day the violation continues shall constitute a separate and distinct violation. In determining the amount of a penalty, the secretary shall consider the appropriateness of the penalty to the employer or entity charged, upon the determination of the gravity of the violations. The amount of the penalty, when finally determined, may be recovered in a civil action filed in any court by the secretary, or a person aggrieved by a violation of sections 1 through 12, and amendments thereto, or any authorized rules and regulations. In any civil action brought by an interested party pursuant to this section, the court shall award the interested party 10% of the amount recovered. In such case, the remaining amount recovered shall be credited to the employee classification fund.

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

(c) Any person who willfully violates any of the provisions of sections 1 through 12, and amendments thereto, or any authorized rules and regulations, or obstructs the secretary, or the secretary's representatives, or any other person authorized to inspect places of employment under sections 1 through 12, and amendments thereto, shall be liable for civil penalties up to double the amounts specified in subsection (a). Any person who willfully violates any of the provisions of sections 1 through 12, and amendments thereto, or any authorized rules and regulations, shall be liable to the employee for punitive damages in an amount equal to the penalties assessed in subsection (a). The penalties established pursuant to this subsection shall be imposed in cases in which an employer or entity's conduct is proven by a preponderance of the evidence to be willful.

(d) An entity or employer that willfully violates any provision of sections 1 through 12, and amendments thereto, or that knowingly conspires with, aids and abets or assists another entity or employer in violating any provision of sections 1 through 12, and amendments thereto, is guilty of a class C nonperson misdemeanor. An entity or employer that commits a second or subsequent violation within a five-year period is guilty of a severity level 10, nonperson felony.

New Sec. 8. (a) All moneys received by the department pursuant to sections 1 through 12, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. The state treasurer shall deposit the entire amount of the remittance in the state treasury and credit that portion of the remittance necessary to pay the expenses incurred by the office of the attorney general in carrying out its powers and duties under sections 1 through 12, and amendments thereto, to the attorney general employee classification fund, which is hereby created, and the remainder to the department of labor employee classification fund, which is hereby created.

(b) Subject to appropriations, all expenditures from the attorney general employee classification fund shall be used by the office of the attorney general for investigation, prosecution and other expenses incurred in carrying out its powers and duties under

sections 1 through 12, and amendments thereto. All expenditures from the attorney general employee classification fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general.

(c) Subject to appropriations, all expenditures from the department of labor employee classification fund shall be used by the department for administration, investigation and other expenses incurred in carrying out its powers and duties under sections 1 through 12, and amendments thereto. All expenditures from the department of labor employee classification fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

New Sec. 9. (a) It is unlawful for an employer or entity, or any agent of an employer or entity, to retaliate through discharge or in any other manner against any person for exercising any rights granted under sections 1 through 12, and amendments thereto. Such retaliation shall subject an employer or entity to civil penalties pursuant to section 7, and amendments thereto, or a private cause of action, or both.

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

(1) Making a complaint to an employer or entity, to a co-worker, to a community organization, before a public hearing, or to a state or federal agency that rights guaranteed under sections 1 through 12, and amendments thereto, have been violated;

(2) causing to be instituted any proceeding under or related to sections 1 through 12, and amendments thereto; or

(3) testifying or preparing to testify in an investigation or proceeding under sections 1 through 12, and amendments thereto.

New Sec. 10. (a) An interested party or person aggrieved by a violation of sections 1 through 12, and amendments thereto, or any authorized rules and regulations, by an employer or entity may file suit in court, in the county where the alleged offense occurred or where any person who is party to the action resides, without regard to exhaustion of any alternative administrative remedies provided in sections 1 through 12, and amendments thereto. Actions may be brought by one or more persons for and on behalf of themselves and other persons similarly situated. A person whose rights have been violated under sections 1 through 12, and amendments thereto, by an employer or entity is entitled to collect:

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

(2) compensatory damages in amount up to \$500 for each violation of sections 1 through 12, and amendments thereto, or any authorized rules and regulations;

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

(4) reasonable attorney's fees and costs.

(b) The right of an interested party or aggrieved person to bring an action under this section terminates upon the passing of three years from the final date of performing services to the employer or entity. This limitations period is tolled if an employer or entity has deterred a person's exercise of rights under sections 1 through 12, and amendments thereto.

New Sec. 11. (a) The department may adopt rules and regulations to implement and

administer sections 1 through 12, and amendments thereto.

(b) Any finding made pursuant to sections 1 through 12, and amendments thereto, is for the purpose of enforcing sections 1 through 12, and amendments thereto, and may not be admissible or binding against a party in any other proceeding.

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

New Sec. 12. (a) There shall be no waiver of any provision of sections 1 through 12, and amendments thereto.

(b) It is a class C nonperson misdemeanor for an employer or entity to attempt to induce any individual to waive any provision of sections 1 through 12, and amendments thereto.

Sec. 13. K.S.A. 2010 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

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

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

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

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

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

(5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or

economic incentive program administered by the secretary of commerce; (B) the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 2010 Supp. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 2010 Supp. 74-50,217, and amendments thereto; and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 2010 Supp. 74-50,215, and amendments thereto;

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

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

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

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

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

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

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

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

(13) provide taxpayer information of persons suspected of violating sections 1 through 12 or K.S.A. 2010 Supp. 44-766, and amendments thereto, to the staff attorneys of the department of labor for the purpose of determining compliance by any person with the provisions of sections 1 through 12 or K.S.A. 2010 Supp. 44-766, and amendments thereto, which information shall be limited to withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., as amended, and the results or status of such audit or investigation.

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

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

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

And by renumbering sections accordingly;

Also on page 28, in line 28, by striking "44-703, 44-766 and"; also in line 28, by striking "are" and inserting "is";

On page 1, in the title, in line 1, by striking "certain"; in line 2, by striking "to avoid tax withholding, contributions and reporting"; in line 3, by striking "requirements"; also in line 3, by striking "44-703, 44-766 and"; in line 4, by striking "sections" and inserting "section";

On roll call, the vote was: Yeas 32; Nays 87; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Burgess, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Phelps, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Hill, Kiegerl, Peterson, Wetta, K. Wolf.

The motion of Rep. Slattery did not prevail; and **Sub. HB 2135** be passed.

Committee report to **HB 2128** be adopted; also, on motion of Rep. Davis be amended on page 1, in line 8, by striking "the" where it appears for the first time and inserting "a period beginning"; also in line 8, after "any" by inserting "primary"; in line 9, after "ballot" by inserting "and ending with the conclusion of the general election"; in line 26, by striking "the" and inserting "a period beginning"; also in line 26, after "any" by inserting "primary"; in line 27, after "ballot" by inserting "and ending with the conclusion of the general election"; and the bill be passed as amended.

Committee report to **HB 2080** be adopted; also, on motion of Rep. Rep. Huebert, **HB 2080** be amended on page 1, following line 4, by inserting the following:

“New Section 1. (a) All primary elections for members of the governing body and other elected officials of any municipality shall be held on the first Tuesday in August of even-numbered years and all general elections for members of the governing body and other elected officials of any municipality shall be held on the Tuesday succeeding the first Monday in November of even-numbered years.

(b) The term of members of governing bodies and other elected officials that would expire at any time in 2013 shall expire on the second Monday in January, 2013, when newly elected members of the governing body and other newly elected officials shall take office.

(c) Primary elections for any municipality shall be held if there are three or more candidates for an elected position. The names of the two candidates receiving the greatest number of votes for any position at the primary election shall appear on the ballot at the general election.

(d) The filing deadline for all candidates for any municipality unless otherwise provided by law shall be as provided in K.S.A. 25-205, and amendments thereto.

(e) "Municipality" means any city, school district, community college, drainage district, extension district, irrigation district, library district created under K.S.A. 12-1236 et seq., and amendments thereto, and water districts created under K.S.A. 19-3501 et seq., and amendments thereto. The term does not include any municipality where the election of members of the governing body is conducted at a meeting of the municipality.

New Sec. 2. (a) Any city may adopt by ordinance one of the following forms of government:

- (1) Commission;
- (2) mayor-council;
- (3) commission-manager;
- (4) mayor-council-manager;
- (5) council-manager; or
- (6) any other form of government authorized by law or by ordinance or charter ordinance of the city.

(b) Any city which has operated for four or more years under a form of government may abandon such form and adopt a different form of government. The provisions of K.S.A. 12-184, and amendments thereto, shall govern the procedure for the adoption or abandonment of such form of government.

(c) The governing body of the city may establish by ordinance any of the following:

(1) The powers and duties of the governing body including the mayor and other elected officials;

(2) the term of office of members of the governing body including the mayor and other elected officials;

(3) the election by ward or district of members of the governing body, if applicable;

(4) the powers and duties of the city manager, if applicable;

(5) the administrative departments of the city; and

(6) other matters deemed appropriate by the governing body.

New Sec. 3. All existing ordinances and charter ordinances relating to a city's form of government, except those provisions relating to the timing of city primary and general elections, shall remain in effect until amended or repealed by such city.

Sec. 4. K.S.A. 2-623 is hereby amended to read as follows: 2-623. (a) Prior to July 1 of any year, any two or more county extension councils may establish an extension district composed of all of the counties of such councils by entering into an agreement in accordance with this section to combine the extension programs for each county involved into one extension program serving the extension district. No such agreement shall be effective unless such agreement has received the prior approval of: (1) The board of county commissioners of each county included in the proposed extension district, subject to the provisions of subsection (i); (2) the executive board of the extension council of each county included in the proposed extension district and the director of extension of Kansas state university of agriculture and applied science, or the director's authorized representative, acting together as a body; and (3) the attorney general in accordance with subsection (h).

(b) Prior to July 1 of any year, one or more county extension councils and the governing body of any existing extension district may establish a new extension district by entering into an agreement in accordance with this section to combine the extension programs for each such county and such district into one extension program serving a new extension district composed of all counties represented by such county extension councils and the area served by the existing extension district. No such agreement shall be effective unless such agreement has received the prior approval of: (1) The board of county commissioners of each county being added to the existing extension district, subject to the provisions of subsection (i); (2) the executive board of the county extension council of each county being added to the existing extension district, the governing body of the existing extension district and the director of extension of Kansas state university of agriculture and applied science, or the director's authorized representative, acting together as a body; and (3) the attorney general in accordance with subsection (h).

(c) On July 1 after the approval under subsection (a) or (b) of an agreement to establish an extension district, such extension district is hereby established and shall constitute a body corporate and politic possessing the usual powers of a corporation for public purposes under the name of "extension district no. _____ (the number designated by the director of extension), _____ counties (naming the counties included within the district), state of Kansas." Each extension district is a taxing subdivision and has the power to contract, sue and be sued and to acquire, hold and convey real and personal property in accordance with law.

(d) Upon the establishment of an extension district under subsection (a) or

(b), all of the personnel and property of each of the extension programs which are combined into the new district extension programs shall be transferred to the new extension district and shall be subject to the authority of the governing body of the extension district in accordance with the agreement to establish the extension district.

(e) Upon the establishment of an extension district under subsection (a), the board of county commissioners of each county joining in the establishing of an extension district shall appoint four qualified electors to membership on the governing body of the district. The terms of all members so appointed shall commence on July 1 following their appointment. Of the members so appointed two members shall serve for terms ending upon the election and qualification of their successors at an election held on the first Tuesday in April of the first odd-numbered year following the first Monday in November of the first even-numbered year following their appointment and two members shall serve for terms ending upon the election and qualification of their successors at an election held on the first Tuesday in April of the second odd-numbered year succeeding the first Monday in November of the second even-numbered year following their appointment.

(f) In the case of one or more counties being included in an existing extension district under subsection (b), the board of county commissioners of each county being included in an existing extension district shall appoint four qualified electors of the county to membership on the governing body of the expanded district. The terms of all members so appointed shall commence on July 1 following their appointment. Of the members so appointed two members shall serve for terms ending upon the election and qualification of their successors at an election held on the first Tuesday in April of the first odd-numbered year following the first Monday in November of the first even-numbered year following their appointment and two members shall serve for terms ending upon the election and qualification of their successors at an election held on the first Tuesday in April of the second odd-numbered year following the first Monday in November of the second even-numbered year following their appointment. The offices of the members of the governing body of the existing extension district shall continue in existence and the persons in such offices shall be members of the governing body of the expanded extension district which is established on July 1 for the remainder of their existing terms of office.

(g) In addition to other required provisions, each agreement entered into under this section shall specify the permissible method or methods to be employed in disposing of the assets and liabilities of the extension district in the event that one or more counties withdraw from the extension district under K.S.A. 2-628, and amendments thereto.

(h) Each agreement entered into under this section or under K.S.A. 2-628, and amendments thereto, prior to and as a condition precedent to its entry into force, shall be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with this act and the other laws of Kansas. The attorney general shall approve any agreement submitted for approval under this section or K.S.A. 2-628, and amendments thereto, unless the attorney general finds that the submitted agreement does not meet the requirements of this act. In such case, the attorney general shall specify in writing to the proposed parties to the agreement and to each other entity required to approve the agreement, the specific respects in which the proposed agreement fails to meet the requirements of law. Failure by the attorney

general to disapprove an agreement submitted pursuant to this subsection within 90 days of its submission shall constitute approval of the agreement by the attorney general.

(i) Prior to approving an agreement under this section, the board of county commissioners of each county to be included in a proposed extension district under subsection (a) or to be added to an existing extension district under subsection (b), as the case may be, shall adopt a resolution stating the intention of the board of county commissioners to approve such agreement and specifying the counties that are to be included in the extension district. Such resolution shall be published once each week for two consecutive weeks in the official county newspaper. If, within 60 days following the last publication of the resolution, a petition in opposition to the approval of the agreement and the inclusion of the county in the extension district is signed by not less than 5% of the qualified electors of the county and is filed with the county election officer, such board of county commissioners shall not approve such agreement and the county shall not be included in the extension district unless and until the same is approved by a majority of the qualified electors of the county voting thereon at a primary election or general election or at a special election called and held for such purpose. Any such special election shall be called, noticed and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto.”;

And renumbering the sections accordingly;

On page 2, by striking all in line 22; following line 22, by inserting the following:

“Sec. 6. K.S.A. 19-3505 is hereby amended to read as follows: 19-3505. (a) Except as otherwise provided by this section, the governing body of any water district to which this section applies shall be a five-member board holding positions numbered one to five, inclusive. Each member shall be elected and shall hold office from ~~May~~ December 1 following such member's election until ~~April 30~~ November 30, four years thereafter and until a successor is elected and has qualified.

~~The first election of members of the governing body of any water district created after the effective date of this act shall be held on the first Tuesday in August of any even-numbered year, at which time members shall be elected for terms beginning on September 1 of the same year, and ending on April 30 of the third year following the beginning of such term, to positions numbered three, four and five. At such first election, members shall be elected for terms ending on April 30 of the first year following the beginning of such terms, to positions numbered one and two. Members first elected to positions one and two shall have terms of approximately eight months. Elections shall be thereafter held on the first Tuesday following the first Monday in November in April of each odd-numbered year of each even-numbered year for the member positions whose terms expire in that year.~~

(b) From and after April 30, 1991, the governing body of the water district shall be composed of seven members. At the election held in 1991, positions numbered 1, 2, 6 and 7 shall be elected to four-year terms. At the election in 1993, positions numbered 3, 4 and 5 shall be elected to four-year terms.

(c) Elections shall be held on the ~~first~~ first Tuesday following the first Monday in November in April of each odd-numbered year of each even-numbered year for the positions which terms expire in that year. Members shall hold office from ~~May~~ December 1, following such member's election until ~~April 30~~ November 30, four years

thereafter and until a successor is elected and qualified. All elections shall be nonpartisan and shall be called and conducted by the county election officer. Laws applying to other local elections occurring at the same time and in the same locality shall apply to elections under this act to the extent that the same can be made to apply.

(d) Following each election the board shall organize and not later than the second regular meeting following each election shall select from among its members a chairperson and a vice-chairperson. The vice-chairperson shall preside over any meetings at which the chairperson is not present. Vacancies occurring during a term shall be filled for the unexpired term by appointment by the remaining members. All members shall take an oath of office as prescribed for other public officials. The members of the board shall be qualified electors in the water district. Prior to accepting office, the water district shall obtain for each member-elect a corporate surety bond to the state of Kansas in the amount of \$10,000, conditioned upon the faithful performance of the member's duties and for the true and faithful accounting of all money that may come into the member's hands by virtue of the office. Such bonds shall be filed in the office of the county clerk for the county in which the major portion of such water district is located after approval by the board of county commissioners of such county.

(e) Each member of the board shall receive a monthly salary in an amount determined by the board and shall be reimbursed for all necessary and reasonable expenses incurred in performing official assigned duties.

Sec. 7. K.S.A. 19-3507 is hereby amended to read as follows: 19-3507. (a) The water district election shall be held in each election precinct, a part or all of which is located within such water district, ~~except that if no other election is being held in a given election precinct on the same date as the water district election, the county election officer may provide one or more convenient voting places where the water district electors of such precinct may vote, which may be a voting place located in another precinct.~~ The county election officer shall designate such voting places and the persons entitled to vote thereat in the election notice. The county election officer shall make a report in writing to the board of county commissioners of such election precincts and voting places, which report shall be filed with the county clerk of the county or counties in which such precincts and voting places are located and an entry thereof made upon the journal of the board or boards of county commissioners of such county or counties and if any change shall be made in such voting precincts and voting places by the county election officer, the same shall in like manner be reported to the board or boards of county commissioners, filed and entered as aforesaid. The polls for any election held under this act shall be open between the hours of 7:00 7 a.m. and 7:00 7 p.m.

(b) All qualified persons desiring to be ~~voted upon~~ a candidate for a position as a member of such board shall file a declaration of candidacy as provided in K.S.A. 25-205 and amendments thereto, on or before 12:00 o'clock 12 noon on the Tuesday which precedes by 10 weeks the first Tuesday in April of the year in which the election is being held, which date shall be stated in the publication notice of the election, file with the county election officer, with a statement directing such the officer to place such the person's name on the ballot as a candidate for member of the board of the water district in such the election, indicating the number of the position for which such the person is filing. No candidate shall be permitted to withdraw as a candidate after the deadline for filing such statements of candidacy. There shall be no primary election for

members of the water district board. The county election officer shall publish names of all candidates in a newspaper of general circulation within the water district not less than 10 days before such election. The county election officer shall provide for use of voting machines or printed ballots in each election precinct or voting place. Where printed ballots are prepared, the same shall be done at the expense of the water district. The names of candidates for each member position shall be rotated on the ballots in such a manner that each candidate shall be given an equitable opportunity to have such candidate's name appear first on the ballot. Where the only election being conducted in an election precinct or voting place is the water district election, the cost of providing judges and clerks in such precinct or voting place shall be borne entirely by the water district, but where held in conjunction with other elections, the cost shall be prorated in the manner provided by article 22 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto.

(c) At least five days before any election, the county election officers of the various counties within which a portion of such district is located, in cooperation with the water district board, shall determine the voting areas where no other elections will be held in conjunction with the water district and the names of all qualified electors residing in the water district and located in such precincts and shall determine the election precincts which contain only a part of the water district and the names of all qualified electors residing in the water district and in such election precincts. A list of the qualified electors determined as hereinbefore provided shall be furnished by the county election officer to the judges of the voting precincts or voting places where such electors are entitled to vote.

(d) Qualified electors of any election precinct, the entirety of which is within the water district, shall be entitled to vote in such precinct and a separate list of their names need not be furnished.

(e) A voter shall not be eligible to vote in any election precinct other than the one in which such person resides unless no election is being held in such precinct, in which event, such voter shall be entitled to vote in the voting place designated by the county election officer.

(f) Such list furnished by the county election officer to the judges of each precinct shall be conclusive at all elections, except that one desirous of voting, whose name does not appear on such list, may proceed to the county election officer of the county and such officer may administer oaths and affirm witnesses to determine the right of anyone to vote who may claim erroneous omission from such list, and if such officer issues a certificate entitling the voter to vote, such certificate shall be accepted by the judges and clerks of the election. The list so furnished by the county election officer shall be conclusive at all elections held within the same year that the list is furnished.

Sec. 8. K.S.A. 24-412 is hereby amended to read as follows: 24-412. (a) ~~Except as otherwise provided in this section, an election to choose three directors in each district as their successors, shall be held on the first Tuesday in April, 1983, and~~ An election shall be held ~~each every~~ four years thereafter, on the ~~first~~ Tuesday ~~following the first Monday in November in April~~, to choose directors. Directors elected in any district in 1980 or 1981 shall hold their office until successors are elected and qualified at the election in April, 1983.

(b) An election to choose three directors in each district as their successors

shall be held on the Tuesday following the first Monday in November, 2012, and an election shall be held each four years thereafter, on the Tuesday following the first Monday in November, to choose directors. Any director elected in any district in 2009 shall hold such office until such successor is elected and qualified.

Sec. 9. K.S.A. 2010 Supp. 24-459 is hereby amended to read as follows: 24-459. (a) The board of directors of any drainage district incorporated pursuant to K.S.A. 24-458, and amendments thereto, shall consist of three qualified persons as defined in paragraph (3) of subsection (e) of this section.

(b) The directors for the first term after the incorporation of the drainage district shall be selected and designated in the petition for the incorporation of the district and shall be declared directors by the county commissioners to which the petition is presented.

(c) The directors shall hold office until ~~the first Tuesday in April~~ December 1 of an even-numbered year next after the incorporation of the district, at which time and every four years thereafter directors shall be elected and shall hold their office for the term of four years and until their successors are elected and qualified.

(d) Every qualified person of the district shall be entitled to vote at the election or at any election which may be held in the district.

(e) For the purposes of this section:

(1) "Owner" or "person who owns land" means any person or entity who is the record owner of the fee in any real estate in the district or the fee in the surface rights of any real estate in the district, but the owners of an oil and gas lease, mineral rights or interest, easements or mortgages as such shall not be considered owners, and school districts, cemetery associations, and municipal corporations shall not be considered owners.

(2) "Taxpayer" means any owner who has paid all taxes currently due on such real estate.

(3) "Qualified person" means any taxpayer 18 years of age or older, whether a resident of the district or not. A taxpayer who is a qualified person and who is not an individual may designate an individual to cast its vote or to serve as a director of the district.

(f) The county clerk shall determine the qualified persons entitled to vote at any election in the district. Any entity desiring to vote at an election shall register the name of its designated representative with the county election officer no later than 14 days in advance of any such election.

Sec. 10. K.S.A. 2010 Supp. 24-506 is hereby amended to read as follows: 24-506. (a) The board of directors of any drainage district incorporated pursuant to K.S.A. 24-501 et seq., and amendments thereto, shall consist of one person from each county in the district if the number of counties is odd, but if the number of counties is even, then there shall be an additional director at large. If the drainage district is located wholly within one county, the number of directors shall be three. Except as provided in subsection (b), the directors shall be freeholders who shall be residents of Kansas, whose lands in whole or in part are located within the district. The directors shall hold their offices for a term of four years and until their successors are elected and qualified. Elections to choose directors, except the first, shall be held on the ~~first~~ Tuesday following the first Monday in April November of an even-numbered year and every four years thereafter.

(b) If there are no residents in the drainage district, any owner of land within the district shall be a qualified voter and shall be qualified to hold the office of director.

Sec. 11. K.S.A. 25-1115 is hereby amended to read as follows: 25-1115. (a) "General election" means the election held on the Tuesday succeeding the first Monday in November of even-numbered years, ~~the elections held for officers on the first Tuesday in April,~~ and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the election held on the first Tuesday in August of even-numbered years, ~~the election held five weeks preceding the election on the first Tuesday in April,~~ and any other preliminary election at which part of the candidates for special election to any national, state, county, city or school office are eliminated by the process of the election but at which no officer is finally elected.

Sec. 12. K.S.A. 2010 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, and such voter is a first-time voter, such voter shall provide a form of valid identification such as a current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and address as indicated on the registration book. Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, and such voter is a first-time voter, such voter shall provide on the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or the last four digits of the voter's social security number, or shall provide with the application a copy of the voter's current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and address as indicated on the registration book. Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.

(d) If a first-time voter is unable or refuses to provide current and valid identification, or if the name and address do not match the voter's name and address on the registration book, the voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto. The voter shall provide a valid form of identification as defined in subsection (c) of this section to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot

shall be counted.

(e) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in even-numbered years, between April 1 of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days prior to such election and the last business day of the week preceding such general election.

~~(3) For the primary election held five weeks preceding the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such primary election.~~

~~(4) For the general election occurring on the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such general election.~~

(5) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

~~(6)~~(4) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the last business day of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the county election officer shall determine the final date for mailing of advance voting ballots, but such date shall not be more than three business days before such election.

~~(7)~~(5) For any special election of officers, at such time as is specified by the secretary of state.

~~(8)~~(6) For the presidential preference primary, between January 1 of the year in which such primary is held and the last business day of the week preceding such primary election.

The county election officer of any county may receive applications prior to the time specified in this subsection (e) and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(f) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than ~~12:00~~12 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

The county election officer may designate places other than the central county

election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots. Such ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(g) Any person having a permanent disability or an illness which has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information which establishes the voter's right to permanent advance voting status.

(h) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which such persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Such names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of such applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make such inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by such officer stating such person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(i) If a person on the permanent advance voting list fails to vote in two consecutive general elections held on the Tuesday succeeding the first Monday in November of each even-numbered year, the county election officer may mail a notice to such voter. Such notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

(j) For the purposes of this section, "first-time voter" means a registered voter who has not previously voted in any election in the county in which the voter desires to vote. First-time voter includes a person whose name was removed from the county registration list in accordance with K.S.A. 25-2316c, and amendments thereto, and who has re-registered.

(k) The secretary of state may adopt rules and regulations defining valid

forms of identification.

Sec. 13. K.S.A. 25-2006 is hereby amended to read as follows: 25-2006. (a) "General election" means the election held for school officers on the first Tuesday ~~in April in any odd-numbered years~~ succeeding the first Monday in November of even-numbered years, and in the case of special elections of any school officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the election held ~~five weeks preceding the election on the first Tuesday in April~~ on the first Tuesday in August of even-numbered years, and any other preliminary election at which part of the candidates for special election to any school office are eliminated by the process of the election but at which no officer is finally elected.

Sec. 14. K.S.A. 25-2007 is hereby amended to read as follows: 25-2007. (a) "Question submitted election" means any election at which a special question is to be voted on by the electors of the state or a part of them.

(b) "County election officer" means:

(1) The election commissioner of the home county of the school district if such county has an election commissioner,

(2) the county clerk of the home county of the school district if the county does not have an election commissioner,

(3) the county clerk (or the election commissioner if there is one) of the county in which all or the greater part of the population is located in the case of a nonunified school district. In the event that doubt exists concerning which public officer is the county election officer under this subpart, the secretary of state shall specify such officer and such specification shall be conclusive.

(c) "Filing deadline" means the deadline established in K.S.A. 25-205, and amendments thereto ~~hour, date or time after which it is provided by law no person may become a candidate for election to public office; for school elections the filing deadline is 12:00 o'clock~~ 12 noon on the Tuesday which precedes by 10 weeks the first Tuesday in April of any odd-numbered year.

Sec. 15. K.S.A. 25-2010 is hereby amended to read as follows: 25-2010. Election of board members and question submitted elections shall be conducted by the county election officer of the home county of the school district. Board member general elections shall be held on the first Tuesday ~~in April of each odd-numbered year~~ succeeding the first Monday in November of even-numbered years. If a primary election is required to be held, such primary election shall be held on the ~~Tuesday preceding by five weeks the first Tuesday in April of odd-numbered~~ first Tuesday in August of even-numbered years.

Sec. 16. K.S.A. 25-2018 is hereby amended to read as follows: 25-2018. (a) Notices of board member elections and question submitted elections of a school district shall be made as provided in this section.

(b) On or before ~~January~~ June 15, the county election officer shall publish a notice of election one time in a newspaper having general circulation in the school district. The notice for board member elections shall state (1) the name of the school district, (2) the date of the general election, (3) the date of the primary election if one is held, (4) the filing deadline and the place of filing, and (5) the offices or positions to be filled.

(c) All notices provided for by this section shall be given in the form

prescribed by the secretary of state to the extent that any notice or part thereof is prescribed by the secretary of state. The provisions of this section shall not be construed to require the secretary of state to prescribe any particular form.

(d) Not less than six weeks prior to the first Tuesday ~~in April~~ in August of any even-numbered year a notice of primary elections shall be published by the county election officer in a newspaper having general circulation in the school district, if a primary election is required to be held. The publication shall be made one time and shall state (1) the name of the school district, (2) the date of the primary election, (3) the names of the candidates and the office or position for which each is a candidate, (4) the voting place or places and the area each voting place is to serve, (5) the times of opening and closing of the polls. Description of areas shall be in the terms determined by the county election officer.

(e) Not less than three days prior to the first Tuesday ~~in April~~ in August in any even-numbered year a notice of the general election shall be published by the county election officer one time in a newspaper having general circulation in the school district. The notice shall state (1) the name of the school district, (2) the date of the general election, (3) the names of the candidates and the office or position for which each is a candidate, (4) the voting place or places and the area each voting place is to serve, (5) the time of opening and closing of polls. Description of areas shall be in such terms as may be determined by the county election officer.

(f) Notice of any question submitted election of any school district shall be made in the manner provided by K.S.A. 10-120, and amendments thereto. The notice shall state (1) the name of the school district, (2) the date of the election, (3) the amount of bonds to be issued, if a bond election, (4) the proposition to be voted upon, (5) the hours of opening and closing of the polls, (6) the voting place or places and the area each voting place is to serve, and (7) any other information specifically required by law. Description of areas shall be in the terms determined by the county election officer.

Sec. 17. K.S.A. 25-2023 is hereby amended to read as follows: 25-2023. (a) Except as provided in subsection (b), each board member shall qualify by filing an oath of office with the election officer not later than ten (10) days following the date of the election, or not later than five (5) days after issuance of such member's certificate of election, whichever is the later date. Each board member shall take office on the July 1 following the general school election. Each member elected to a board of education shall hold office until a successor is elected or appointed and qualified and shall serve for a term of four (4) years.

(b) Board members elected in 2009 shall hold office until successors are elected and qualified in 2012. Board members elected in 2011 shall hold office until successors are elected and qualified in 2014.

Sec. 18. K.S.A. 25-2102 is hereby amended to read as follows: 25-2102. (a) "General election" means the election held on the Tuesday succeeding the first Monday in November of even-numbered years, ~~the elections held for officers on the first Tuesday in April,~~ and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the election held on the first Tuesday in August of even-numbered years, ~~the election held five weeks preceding the election on the first Tuesday in April,~~ and any other preliminary election at which part of the candidates for special election to any national, state, county, city or school office are

eliminated by the process of the election but at which no officer is finally elected.

Sec. 19. K.S.A. 2010 Supp. 25-2108a is hereby amended to read as follows: 25-2108a. (a) Except as provided in subsection (b), there shall be a primary election of city officers on ~~the Tuesday preceding by five weeks~~ the first Tuesday in ~~April~~August of every year that such city has a city election, except as otherwise provided in subsection (b) of this section.

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

Sec. 20. K.S.A. 25-2109 is hereby amended to read as follows: 25-2109. The filing deadline for all city elections shall be as provided in K.S.A. 25-205 and amendments thereto ~~12:00 o'clock~~12 noon of the Tuesday ~~preceding by 10 weeks~~ the first Tuesday in ~~April~~.

Sec. 21. K.S.A. 25-2118 is hereby amended to read as follows: 25-2118. The city clerk shall certify to the county election officer a list of all city offices to be voted upon at each city election not later than ~~January 1~~May 15 of every year that such city has a city election.

Sec. 22. K.S.A. 25-2120 is hereby amended to read as follows: 25-2120. (a) The county election officer who conducts the city election shall promptly certify to the city governing body the determination of election results made by the county board of canvassers. Except as provided in subsection (b), the term of office shall commence with and include the first regular meeting of the governing body following certification of the election.

Every person elected or appointed to city office, before entering upon the duties of such office, shall take and subscribe an oath or affirmation as specified in K.S.A. 54-106, and every such oath or affirmation shall be filed with the city clerk.

(b) (1) Each member of the governing body and city official, the starting date of whose term of office is governed by this section and who is elected in 2011, shall hold office until the first regular meeting of the governing body following the certification of the election in 2012.

(2) The term of each city official, the starting date of whose term of office is governed by this section and who is elected in 2012, shall commence with and include the first regular meeting of the governing body following the certification of the election.

Sec. 23. K.S.A. 25-2311 is hereby amended to read as follows: 25-2311. (a) County election officers shall provide for the registration of voters at one or more places on all days except the following:

(1) Days when the main offices of the county government are closed for business, except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(2) days when the main offices of the city government are closed for business, in the case of deputy county election officers who are city clerks except as is

otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(3) the 14 days preceding the day of primary and general state elections;

(4) the 14 days preceding the day of primary city and school elections, if either has a primary;

(5) the 14 days preceding each first Tuesday following the first Monday in April of odd-numbered years ~~November of even-numbered years~~, being the day of city and school general elections;

(6) the 14 days preceding the day of any election other than one specified in paragraphs (3), (4) and (5) of this subsection; and

(7) the day of any primary or general election or any question submitted election.

(b) For the purposes of this section in counting days that registration books are to be closed, all of the days including Sunday and legal holidays shall be counted.

(c) The secretary of state shall notify every county election officer of the dates when registration shall be closed preceding primary and general state, city and school elections. The days so specified by the secretary of state shall be conclusive. Such notice shall be given by the secretary of state by mail at least 60 days preceding every primary and general state, city and school election.

(d) The last days before closing of registration books as directed by the secretary of state under subsection (c) of this section, county election officers shall provide for registration of voters during regular business hours, during the noon hours and at other than regular business hours upon such days as the county election officers deem necessary. The last three business days before closing of registration books prior to state primary and general elections, county election officers may provide for registration of voters until 9:00 p.m. ~~9:00 p.m.~~ in cities of the first and second class.

(e) County election officers shall accept and process applications received by voter registration agencies and the division of motor vehicles not later than the 15th day preceding the date of any election; mailed voter registration applications that are postmarked not later than the 15th day preceding the date of any election; or, if the postmark is illegible or missing, is received in the mail not later than the ninth day preceding the day of any election.

(f) The secretary of state may adopt rules and regulations interpreting the provisions of this section and specifying the days when registration shall be open, days when registration shall be closed, and days when it is optional with the county election officer for registration to be open or closed.

(g) Before each primary and general election held in even-numbered years, and at times and in a form prescribed by the secretary of state, each county election officer shall certify to the secretary of state the number of registered voters in each precinct of the county as shown by the registration books in the office of such county election officer.

Sec. 24. K.S.A. 25-2502 is hereby amended to read as follows: 25-2502. (a) "General election" means the election held on the Tuesday succeeding the first Monday in November of even-numbered years, ~~the elections held for officers on the first Tuesday in April~~; and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the election held on the first Tuesday in

August of even-numbered years, ~~the election held five weeks preceding the election on the first Tuesday in April,~~ and any other preliminary election at which part of the candidates for special election to any national, state, county, township, city or school office are eliminated by the process of the election but at which no officer is finally elected.

Sec. 25. K.S.A. 25-3503 is hereby amended to read as follows: 25-3503. (a) In the event that any vacancy occurs to which this act applies, and such occurrence is not more than ~~ninety (90)~~90 days and not less than ~~thirty (30)~~30 days before any primary election of state officers, the election provided for in this act shall be held on the same date as the primary election of state officers.

~~(b) In the event that any vacancy occurs to which this act applies, and such occurrence is not more than ninety (90) days and not less than thirty (30) days before any regular primary or general election of city and school officers occurring in an odd-numbered year, the election provided for in this act shall be held within such ninety (90) days and on the same date as such primary or general election.~~

~~(e)~~ (b) In the event that any vacancy occurs to which this act applies, and such occurrence is not more than ~~thirty (30)~~30 days before any primary election of state officers and before the general election of state officers, at such general election votes cast for the office of congressman in the district in which such vacancy has occurred shall be deemed to be cast to fill the vacancy for the unexpired term, as well as for the election for the next regular term. The governor shall proclaim the date of the election to be the same as the general election of state officers.

~~(d)~~ (c) In the event that any vacancy occurs to which this act applies, on or after the date of any general election of state officers and before the term of office in which the vacancy has occurred expires, votes cast for the office of congressman in the district in which such vacancy occurs shall be deemed to have been cast to fill such vacancy for the unexpired term, as well as for election for the next regular term. The governor's approval of this act shall be deemed to proclaim that every regular election of a representative to the United States congress shall be an election for the unexpired term if any should occur, as well as election for the next regular term. In cases to which subsection ~~(e) of this section~~(b) or this subsection applies, the person elected for the next regular term shall be deemed to have been elected for the balance of the unexpired term also.

Sec. 26. K.S.A. 2010 Supp. 42-706 is hereby amended to read as follows: 42-706. (a) The officers of such district shall be a board of directors consisting of three members who shall be persons entitled to vote as provided in subsection (h) and residents of a county in which the district or a portion thereof is located, or county adjoining a county in which such irrigation district or a portion thereof is located. Such members shall hold office for a period of three years, and each shall serve until a successor has been elected and qualified. The members of the board of directors first elected after the creation of an irrigation district shall hold their respective offices until the next regular election for the election of directors as provided in subsection (e) or (f) of this section except that the terms of the three directors shall be as provided in subsection (e) of this section.

(b) The chief engineer of the division of water resources, after the incorporation of such irrigation district, shall establish and designate the polling place or places therein where the first election will be conducted and fix the time for such

election within 60 days after the date of incorporation. In any irrigation district of more than 35,000 acres, the chief engineer of the division of water resources shall, prior to designating polling places, establish three voting areas within such district as equal as possible in acreage and shall designate the same as the first, second or third voting area. Such polling place or places may thereafter be changed by the board of directors, and the board may arrange for polling places outside the corporate boundaries of the district if such places are more convenient than locations within the district. Prior to the holding of the first election in newly created districts, the chief engineer of the division of water resources shall appoint from the qualified electors of the district three persons for such election for each voting place who shall constitute boards of election for such district for such election. If the members appointed do not attend at the opening of the polls on the day of election, at the opening hour, the electors present at that hour shall elect from the electors present members of the election board necessary to fill the place of any absent member.

(c) The board of directors of every district of more than 35,000 acres which was incorporated prior to the effective date of this act shall establish three voting areas within the district as equal as possible in acreage and designate the same as the first, second or third voting area. The board shall also establish and designate the polling place or places within each voting area. At the first election held after the effective date of this act, a director shall be elected from each voting area and the person receiving the highest number of votes shall serve for a term of three years, the person receiving the second highest number of votes shall serve for a term of two years, and the person receiving the third highest number of votes shall serve for a term of one year. At each subsequent election, only one director shall be elected each year for a term of three years. Any director elected under this provision must be a person entitled to vote as provided in subsection (h).

(d) (1) Except as provided in paragraph (2), all elections shall be conducted in accordance with the general election laws of the state except as otherwise provided in this act. Advance voting as provided in article 11 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, shall be provided for by the county election officers and boards of directors for those persons entitled to vote under subsection (h). The forms for the ballot envelope declaration as provided in K.S.A. 25-1120, and amendments thereto, and the applications for advance ballots as provided in K.S.A. 25-1122d, and amendments thereto, shall be modified to establish that such person is a qualified owner of irrigable land within the district. After polls are closed the election boards shall proceed to canvass the votes cast thereat, shall certify to the county election officer of the county in which all or the greater part of the population of the irrigation district is located and the chief engineer the result of such election. The clerks shall then securely wrap the ballots cast at such elections and shall express or mail the same by registered mail to the county election officer of the county in which all or the greater part of the population of the irrigation district is located. The county election officer shall canvass the ballots, verify the results and declare the person receiving the highest number of votes duly elected as director except that at the first election after creation of a district the county election officer of the county in which all or the greater part of the population of the irrigation district is located shall declare the three persons receiving the highest number of votes duly elected as directors except that in districts divided into three voting areas, the person receiving the highest number of votes in each voting area

shall be duly elected as director. Such county election officer shall immediately mail, to each person elected to the office of director, a certificate of election signed by such officer. The directors shall thereupon qualify and enter upon the duties of their office. Directors shall qualify by taking and subscribing to an oath of office of substantially the same tenor as oath of office prescribed for county officials. Each member of the board of directors shall execute an official bond in the sum of \$1,000 which oath and bond shall be filed with the county election officer of the county in which all or the greater part of the population of the irrigation district is located. The treasurer of each irrigation district shall execute to the district a corporate surety bond in an amount at least equal to 125% of the amount, as near as can be ascertained, that shall be in such person's hands as treasurer at any one time. The amount and sufficiency of the bond of the treasurer shall be determined by the county election officer. Upon approval of the bond, the county election officer shall endorse such approval thereon and file the same in the office of the county election officer and shall immediately notify the county treasurer of the county in which the registered office of the irrigation district is located of such approval and filing. In the event of the breach of any condition of the treasurer's bond, the president and secretary of the board shall cause a suit to be commenced thereon in the name of the irrigation district. It shall not be necessary to include the treasurer as a party to the action and the money collected shall be applied to the use of the district, as the same should have been applied by the treasurer. Should the president and secretary neglect or refuse to prosecute such a suit, then any person entitled to vote as provided in subsection (h) may cause such suit to be instituted. Premiums on surety bonds for such directors and treasurers of irrigation districts shall be paid by the district out of its general funds. In case the office of any director shall become vacant the remaining members of the board shall fill the vacancy by appointment. A director appointed to fill a vacancy shall serve the unexpired term of the director whose term such person was appointed to fill.

(2) For any election except the election required in subsection (b), the board of directors may adopt a procedure providing for the election of members by mail ballot. Such procedure shall require the board to mail ballots to all persons entitled to vote, to receive and tabulate the ballots, to canvass the election and to certify the results to the county election officer. The irrigation district shall be responsible for the direct expenses of conducting the election. The ballot envelope used for mailing ballots shall contain a declaration establishing that the person who signs the declaration is a qualified owner of irrigable land within the district.

(e) All regular elections of directors of irrigation districts shall be held the first Tuesday ~~in March in August if a primary is needed, otherwise the elections shall be held on the Tuesday following the first Monday in November of even-numbered years,~~ except as provided by subsection (g). Any districts organized after the regular ~~March/November~~ election shall hold ~~its~~ their election at the next regular ~~March/November~~ election following incorporation of the district and, at this election three directors shall be elected and the person receiving the highest number of votes shall serve for a term of three years, the person receiving the second highest number of votes shall serve for a term of two years, and the person receiving the third highest number of votes shall serve for a term of one year. In case the first election after creation of a district is held between June 1 of any year and the day preceding the ~~first~~ first Tuesday following the first Monday in November in March of the next succeeding

even-numbered year, the next regular ~~March~~November election shall be held in the second succeeding even-numbered year. At each subsequent regular election, only one director shall be elected each year for a term of ~~three~~four years. All persons desiring to be voted upon as directors shall at least 30 days before the day of holding of the elections, file such person's name with the county election officer of the county in which all or the greater part of the population of the irrigation district is located, affixed to a statement that such person desires such person's name to be placed on the ticket as a candidate for member of board of directors of the district in such election. The county election officer shall make up the ticket, at expense of the irrigation district, and place the names thereon in alphabetical order and shall supply election officials with necessary ballots and polling books at the irrigation district's expense. At least five days before any election held subsequent to first election of directors, the boards of directors shall name and appoint three persons for each voting place, who shall be qualified electors in the district. At least five days before any election, the county clerks of the various counties within which a portion of the district is located, shall cause to be ascertained the names of all persons entitled to vote as provided in subsection (h) and shall furnish lists thereof to each election board within such county and to the secretary of the board of directors of the district. Notice of the time and places of holding of the election, signed by the president and attested by the secretary of the district, shall be given in some newspaper or newspapers of general circulation in the district for one issue at least five days prior to date of the election. The return of all special or bond elections shall be made to the secretary of the district, and canvassed by the board of directors. All expenses of election, not otherwise provided for herein, shall be paid for out of the general funds of the irrigation district. Election officials shall receive the same compensation as provided under general election laws.

(f) In lieu of the election procedures provided in this section pertaining to regular elections of directors in accordance with the general election laws of the state, the board of directors of any irrigation district of less than 35,000 acres in size may call an annual meeting of all persons entitled to vote as provided in subsection (h) for the purpose of electing directors. Such annual meeting shall be held on the first Tuesday in ~~March~~August, except as provided by subsection (g). Notice of the time and place of holding said annual meeting shall be given in some newspaper or newspapers of general circulation in the district for one issue at least 30 days prior to date of such meeting. Elections at the annual meeting shall be by ballot, with absentee voting as provided under subsection (d) ~~of this section~~. All persons desiring to be voted upon as director shall at least 30 days before the day of holding the annual meeting file such person's name with the secretary of the board of directors of the district, affixed to a statement that such person desires such person's name to be placed on the ballot as a candidate for member of board of directors of the district. The board of directors shall appoint three owners of irrigable land in the district to serve as an election board at the annual meeting. After the votes are cast at the annual meeting, the election board shall proceed to canvass the votes and shall certify to the county election officer of the county in which all or the greater part of the population of the irrigation district is located and the chief engineer the result of such election. All provisions of this section not inconsistent with the provisions of subsection (f) shall apply to the election of directors at the annual meeting.

(g) In any case where the time for any regular election of directors as

described in subsection (e), or the election as described in subsection (f), is the same for any two districts having the same district manager, such election shall be held on the ~~first Wednesday following the first Tuesday in March~~ August by the district organized latest in time.

(h) Until such time as assessments are made in the district pursuant to K.S.A. 42-715, and amendments thereto, those persons entitled to vote shall be "qualified owners of land" within the irrigation district, as such term is defined in K.S.A. 42-701, and amendments thereto, and who are otherwise qualified electors.

After lands have been assessed in the district pursuant to K.S.A. 42-715, and amendments thereto, those persons entitled to vote shall be "qualified owners of land" within the irrigation district as such term is defined in K.S.A. 42-701, and amendments thereto, which has been assessed pursuant to K.S.A. 42-715, and amendments thereto, and who are otherwise qualified electors. For voting purposes, any person entitled to vote under this subsection who owns land in more than one voting area shall vote in the voting area which includes the greatest portion of such person's land. As used in this section, the term "qualified electors" shall include a person who is the legal qualified owner of irrigable land or a person, who is authorized, in writing, to vote for a trust, corporation, association or partnership which is the legal qualified owner of irrigable land. Such person is not required to be a resident of the district. Such trust, corporation, association or partnership shall be allowed only one vote. The person authorized by such entity to vote shall be someone who is not otherwise entitled to a vote under this section.

Sec. 27. K.S.A. 71-1413 is hereby amended to read as follows: 71-1413. (a) Except as provided in subsection (b), elections of trustees of community colleges shall be conducted by the county election officer of the county in which the main campus of the college is located. In any college district having territory in more than one county, the county election officers of all such counties shall cooperate with the county election officer of the county in which the main campus is located, and upon establishing any new community college or adding territory to any of the community college districts, the state board, in accordance with this section, shall specify the county in which the main campus shall be located for the purpose of this section. ~~General community college elections shall be held on the first Tuesday in April of each odd-numbered year. Any primary community college election shall be held on the Tuesday preceding by five weeks the first Tuesday in April of odd-numbered years.~~

(b) On and after July 1, 2012, general community college elections shall be held on the Tuesday following the first Monday in November of each even-numbered year. Any primary community college election shall be held on the first Tuesday in August of each even-numbered year.

Sec. 28. K.S.A. 71-1414 is hereby amended to read as follows: 71-1414. (a) (1) In college districts where a district method of election is in effect, a person may become a candidate for election to trustee of a community college by any one of the following methods:

(A) Any person who is an elector of any member district may petition to be a candidate for member from the member district in which such person resides. Any such person shall file with the election officer a petition for such person's candidacy signed by not less than 50 electors residing in such person's member district.

(B) Any person who is an elector of any member district may become a

candidate for member from the member district in which such person resides by filing with the election officer a declaration of intent to be such a candidate, and payment therewith of a filing fee in the amount of \$5.

(C) If a community college adopts and implements a seven member board of trustees plan, any person who is an elector of the college district may petition to be a candidate for the at-large member position. Any such person shall file with the county election officer a petition for such candidacy signed by not less than 50 electors residing in such college district.

(D) If a community college adopts and implements a seven member board of trustees plan, any person who is an elector of the college district may become a candidate for the at-large member position by filing with the county election officer a declaration of intent to be such a candidate, and payment therewith of a filing fee in the amount of \$5.

(2) Every petition or declaration of intent filed under this subsection must specify the member position for which the person is a candidate.

(b) In college districts where the election-at-large method of election is in effect, a person may become a candidate for election to trustee of a community college by either one of the following methods:

(1) Any person who is an elector of the college district may petition to be a candidate for trustee. Any such person shall file with the election officer a petition for such person's candidacy signed by not less than 50 electors residing in the college district.

(2) Any person who is an elector of the college district may become a candidate for trustee by filing with the election officer a declaration of intent to be such a candidate, and payment therewith of a filing fee in the amount of \$5.

(c) ~~Every petition or declaration of intent filed as provided in K.S.A. 25-205, and amendments thereto, under this section must be filed on or before 12 o'clock noon on the Tuesday which precedes by 10 weeks the first Tuesday in April of any odd-numbered year. No such petition or declaration shall be filed sooner than the second Tuesday of the December which next precedes the community college election.~~;

Also on page 2, in line 22, by striking " Sec. 2." and inserting "Sec. 29. K.S.A. 2-623, 2-624, 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038, 19-3505, 19-3507, 24-412, 25-1115, 25-2006, 25-2007, 25-2010, 25-2018, 25-2023, 25-2102, 25-2107, 25-2109, 25-2118, 25-2120, 25-2311, 25-2502, 25-3503, 71-1413 and 71-1414 and K.S.A. 2010 Supp. 14-201, 24-459, 24-506, 25-1122, 25-2108a and 42-706 are hereby repealed.";

Also on page 2, in line 23, by striking "3." and inserting "30."

On page 1, in the title, in line 1 by striking "relating to extension districts; amending"; in line 2, by striking "K.S.A. 2-624 and repealing the existing section" and inserting "relating to certain municipalities; amending K.S.A. 2-623, 2-624, 19-3505, 19-3507, 24-412, 25-1115, 25-2006, 25-2007, 25-2010, 25-2018, 25-2023, 25-2102, 25-

2109, 25-2118, 25-2120, 25-2311, 25-2502, 25-3503, 71-1413 and 71-1414 and K.S.A. 2010 Supp. 24-459, 24-506, 25-1122, 25-2108a and 42-706 and repealing the existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038 and 25-2107 and K.S.A. 2010 Supp. 14-201”;

Also, on motion of Rep. Schwab, **HB 2080** be amended on page 2, following line 21, by inserting:

"Sec. 2. K.S.A. 2010 Supp. 25-205 is hereby amended to read as follows: 25-205. (a) Except as otherwise provided in this section, the names of candidates for national, state, county and township offices shall be printed upon the official primary ballot when each shall have qualified to become a candidate by one of the following methods and none other: (1) They shall have had filed in their behalf, not later than ~~12:00~~ 12 noon, June 10, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before ~~12:00~~ 12 noon of the next following day that is not a Saturday, Sunday or a holiday, nomination petitions, as provided for in this act, ~~except that in 1998, candidates for judge or district magistrate judge of the district court for positions created in 1998 in those judicial districts that have not approved the proposition of nonpartisan selection of judges of the district court shall have filed in their behalf, not later than 12:00 noon, July 1, 1998, nomination petitions, as provided for in this act;~~ or (2) they shall have filed not later than the time for filing nomination petitions, as above provided, with the proper officer a declaration of intention to become a candidate, accompanied by the fee required by law. Such declaration shall be prescribed by the secretary of state.

(b) Nomination petitions shall be in substantially the following form:

I, the undersigned, an elector of the county of _____, and state of Kansas, and a duly registered voter, and a member of _____ party, hereby nominate _____, who resides in the township of _____ (or at number _____ on _____ street, city of _____), in the county of _____ and state of Kansas, as a candidate for the office of (here specify the office) _____, to be voted for at the primary election to be held on the first Tuesday in August in _____, as representing the principles of such party; and I further declare that I intend to support the candidate herein named and that I have not signed and will not sign any nomination petition for any other person, for such office at such primary election.

(HEADING)

Name of Signers.	Street Number or Rural Route (as registered)	Name of City.	Date of Signing.
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All nomination petitions shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

(c) Each signer of a nomination petition shall sign but one such petition for

the same office, and shall declare that such person intends to support the candidate therein named, and shall add to such person's signature and residence, if in a city, by street and number (if any); or, otherwise by post-office address. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address they shall be continuous and clearly made. Such sheets shall not be cut or pasted together.

(d) All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit described in this paragraph of a petition circulator who is a resident of the state of Kansas and has the qualifications of an elector in the state of Kansas or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator or the candidate, to the effect that such circulator or the candidate personally witnessed the signing of the petition by each person whose name appears thereon.

(e) Except as otherwise provided in subsection (g), nomination petitions shall be signed:

(1) If for a state officer elected on a statewide basis or for the office of United States senator, by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the state as compiled by the office of the secretary of state;

(2) If for a state or national officer elected on less than a statewide basis, by voters equal in number to not less than 2% of the total of the current voter registration of the party designated in such district as compiled by the office of the secretary of state, except that for the office of district magistrate judge, by not less than 2% of the total of the current voter registration of the party designated in the county in which such office is to be filled as certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto;

(3) If for a county office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such district or county as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto; and

(4) If for a township office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such township as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto.

(f) Subject to the requirements of K.S.A. 25-202, and amendments thereto, any political organization filing nomination petitions for a majority of the state or county offices, as provided in this act, shall have a separate primary election ballot as a political party and, upon receipt of such nomination petitions, the respective officers shall prepare a separate state and county ballot for such new party in their respective counties or districts thereof in the same manner as is provided for existing parties.

(g) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas or member of the state board of education:

(1) If new boundary lines are defined and districts established in the manner prescribed by law on or before May 10, nomination petitions for nomination to such offices shall be signed by voters equal in number to not less than 1% of the total of the

current voter registration of the party designated in the district as compiled by the office of the secretary of state.

(2) If new boundary lines are defined and districts established in the manner prescribed by law on or after May 11, nomination petitions for nomination to the following offices shall be signed by registered voters of the party designated in the district equal in number to not less than the following:

- (A) For the office of representative in the United State congress.....1,000 registered voters;
- (B) for the office of member of the state board of education.....300 registered voters;
- (C) for the office of state senator.....75 registered voters; and
- (D) for the office of state representative.....25 registered voters.

(h) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas or member of the state board of education:

(1) If new boundary lines are defined and districts established in the manner prescribed by law on or before ~~June~~ May 10, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be ~~12:00~~ 12 noon on June ~~24~~ 10, or if such date falls on a Saturday, Sunday or a holiday, then before ~~12:00~~ 12 noon of the next following day that is not a Saturday, Sunday or holiday.

(2) If new boundary lines are defined and districts established in the manner prescribed by law on or after ~~June~~ May 11, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be ~~12:00~~ 12 noon on ~~July~~ 12 ~~June~~ 18, or if such date falls on a Saturday, Sunday or holiday, then before ~~12:00~~ 12 noon of the next day that is not a Saturday, Sunday or holiday.";

And by renumbering sections accordingly;

Also on page 2, in line 22, by striking "is" inserting "and K.S.A. 2010 Supp. 25-205 are";

On page 1, in the title, in line 1 by striking "relating to extension districts;"; in line 2, after "and" by inserting "K.S.A. 2010 Supp. 25-205 and"; also in line 2 by striking "section" and inserting "sections"; and **HB 2080** be passed as amended.

Committee report to **HB 2067** be adopted; also, on motion of Rep. Gregory be amended on page 23, following line 18, by inserting:

"Sec. 9. K.S.A. 2010 Supp. 25-2320 is hereby amended to read as follows: 25-2320. (a) The county election officer shall allow access to any person at any time during regular business hours, under supervision of the county election officer for the purpose of examining the voter registration books, active voter lists and other lists of voters required to be kept. Any person may make a written request for a copy of the registration books at any time except on any election day. The election officer is hereby directed to provide one or more copies which are accurate insofar as practicable of such books to the person so requesting. The election officer shall provide such copies to the person within 10 days following the request if so requested. The expense of making such copies shall be paid by the person requesting them. The cost of copies shall be

established by the county election officer at a price which is not more than the actual cost and shall be set uniformly in order that the price therefor shall be the same for all persons requesting identical copies.

(b) No voter registration record shall be made available for public inspection or copying unless the individual's social security number, driver's license number, nondriver's identification card number or any part thereof, has been removed or otherwise been rendered unreadable";

And by renumbering sections accordingly;

On page 34, in line 6, after "25-2309," by inserting "25-2320,";

On page 1, in the title, in line 4, after "25-2309," by inserting "25-2320,"; and **HB 2067** be passed as amended.

Committee report recommending a substitute bill to **HB 2188** be adopted; and the substitute bill be passed.

Committee report to **HB 2269** be adopted; also, on motion of Rep. Aurand, **HB 2269** be amended on page 4, in line 1, by striking "\$4,991: and inserting "\$4,200";

Also, on motion of Rep. Rep. Otto to refer **HB 2269** to Committee on Appropriations, the motion prevailed.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2365, AN ACT concerning taxation; imposing excise tax on the transmission of money by money transmitters; prescribing rate of taxation; procedures; distribution of revenue; amending K.S.A. 2010 Supp. 9-508 and repealing the existing section, by Committee on Taxation.

MESSAGE FROM THE SENATE

Announcing adoption of **SCR 1605**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SCR 1605.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker O'Neal announced the referral of **SCR 1605** to Committee of the Whole.

REPORT ON ENGROSSED BILLS

HB 2015, HB 2031, HB 2035, HB 2042, HB 2119, HB 2122, HB 2149, HB 2200, HB 2218, HB 2231, HB 2241, HB 2251, HB 2294, HB 2329 reported correctly engrossed February 24, 2011.

On motion of Rep. Siegfried, the House adjourned until 9:00 a.m., Friday, February 25, 2011.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

