

# Journal of the Senate

TWENTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 9, 2009—2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Some time ago I prayed about how You considered love the most important virtue. LOVE is the first fruit of the Spirit the apostle Paul lists in his letter to the Galatians. The second fruit of the Spirit is JOY. (Ephes.5:22)

James said in his New Testament letter,  
“When you experience many trials,  
Count them all as joy,  
And face them with a smile.” (1:2)

When I first read that, Lord,  
I almost replied,  
“You surely must be kidding,”  
Until James clarified.....

The testing of our faith  
Leads to maturity, (1:3-4)  
And maturity’s what we need  
To gain security.

And surely in this session  
We have to spend a while  
Dealing with some issues  
Which qualify as trials!

Lord, thank you for assuring us  
As we endure our trials,  
They contribute to maturity,  
And hopefully help us smile.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 245**, An act concerning cities; relating to publication of ordinances; amending K.S.A. 12-3007 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 246**, An act concerning alcoholic beverages; authorizing the issuance of a special permit to conduct tastings of alcoholic beverages, by Committee on Federal and State Affairs.

**SB 247**, An act concerning alcoholic beverages; relating to licensure of a club or drinking establishment; amending K.S.A. 41-2651 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 248**, An act concerning controlled substances; creating a statewide electronic logging system for sale of methamphetamine precursor; amending K.S.A. 2008 Supp. 65-1643 and repealing the existing section; also repealing K.S.A. 2008 Supp. 65-1643b, by Committee on Ways and Means.

**SB 249**, An act concerning pharmacists; relating to substitution of drug product; amending K.S.A. 2008 Supp. 65-1637 and repealing the existing section, by Committee on Ways and Means.

**SB 250**, An act concerning workers compensation; relating to benefits; amending K.S.A. 44-510c, 44-510d, 44-510e and 44-510f and K.S.A. 2008 Supp. 44-501 and repealing the existing sections, by Committee on Ways and Means.

**SB 251**, An act concerning workers compensation; relating to bilateral scheduled injuries; amending K.S.A. 44-510e and repealing the existing section, by Committee on Ways and Means.

**SB 252**, An act concerning criminal procedure; relating to payment rates for offenders in custody; amending K.S.A. 22-4612 and repealing the existing section, by Committee on Ways and Means.

**SB 253**, An act concerning zoning; amending K.S.A. 12-757 and repealing the existing section, by Committee on Ways and Means.

**SB 254**, An act concerning zoning; relating to counties declared urban areas; amending K.S.A. 19-2960 and repealing the existing section, by Committee on Ways and Means.

**SB 255**, An act concerning property taxation; relating to statewide levy for public schools; exemption therefrom, residential property; amending K.S.A. 2008 Supp. 72-6431 and 79-201x and repealing the existing sections, by Committee on Ways and Means.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 242, SB 243, SB 244.**

Financial Institutions & Insurance: **SB 239, SB 240, SB 241.**

Judiciary: **SB 232, SB 233, SB 234, SB 235, SB 236, SB 237, SB 238.**

Ways and Means: **SB 230, SB 231.**

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1812—

A RESOLUTION congratulating Norma Grubb  
for winning Good Morning America Weekend's "Best Slice Challenge."

WHEREAS, Edith Norma Beach-Grubb was born in Fairview, Kansas on May 28, 1920 to Roy and Mary Ann Beach; and

WHEREAS, Norma first lived in the Dover community when her parents moved into a farm house north of Dover in 1934. While in Dover, Norma attended Dover High School; and

WHEREAS, Norma married Wilbur Martin Grubb on June 1, 1938 and left the Dover area until returning in 1960 with their eight children to settle in Dover; and

WHEREAS, In addition to her children, Norma Grubb also has 23 grandchildren, 28 great-grandchildren, 4 step-grandchildren and 11 great-great-grandchildren; and

WHEREAS, Norma first started making her coconut cream pies for the public in her café in Dover in 1962; and

WHEREAS, Since the Dover café reopened as Somerset Hall Café on October 3, 2006 under the ownership of Everett and Judy Thomas, Norma Grubb has made 2,537 pies of all kinds from scratch; and

WHEREAS, Norma Grubb has used her superb talent for pie-making to contribute to the Dover community that she cares for so deeply, a contribution that unknowingly led to her nomination in the “Best Slice Challenge” in November 2008; and

WHEREAS, On November 23, 2008, the people of America voted Norma Grubb’s coconut cream pie the best in America in the ABC network Good Morning America Weekend’s “Best Slice Challenge”; and

WHEREAS, All the attention following Norma’s reception of this award has been overwhelming, not only leading to a doubling in her pie production to try and meet the demand, but it also has increased the attention and donations to an endowment fund in her name for the Dover Community Foundation, a cause of great importance to her; and

WHEREAS, Norma Grubb and her delectable coconut cream pie are perfect examples of the wonderful treasures in all the small towns across Kansas: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate Norma Grubb for winning the Good Morning America Weekend’s “Best Slice Challenge” and thank her for baking her amazing pies; and

*Be it further resolved:* That the Secretary of the Senate is directed to provide Senator Vicki Schmidt with 40 enrolled copies of this resolution.

On emergency motion of Senator V. Schmidt **SR 1812** was adopted unanimously.

Norma Grubb was introduced and honored with a standing ovation. Several members of her family were also guests.

Senator D. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1813—

A RESOLUTION congratulating and commending  
the 2008 Independence High School boys’ tennis team.

WHEREAS, The Independence High School Bulldogs boys’ tennis team won the 2008 Kansas State High School Athletic Association Class 4A state championship for the third year in a row, scoring a total of 36 points; 14 points more than the second place team; and

WHEREAS, The team included seniors Andrew Carr, Adam Greenhaw, Matt Hastings, Sam Schroeder and Michael Ysusi; juniors Logan Dent, Omar Elshabassy, Shane Ferguson, Andrew Payne, Dan Porter and Rylan Romans; sophomores Anthony Davis, Kyle Ferris, Wes Goodrich, Michael Gudmonson, Issac Hilger, Logan Papen, Mason Posch, Cameron Schicke and Austin Schroeder; and freshmen Nick Romans and Joel Simwinga; and

WHEREAS, This year’s state qualifiers were Adam Greenhaw, Sam Schroeder, Shane Ferguson, Dan Porter, Omar Elshabassy and Nick Romans. They have been led by the experience and wisdom of their coach Ken Brown and assistant coach Harry Bass; and

WHEREAS, Sam Schroeder and Adam Greenhaw, making their second appearance in the state tournament, finished third in the doubles competition for a season record of 35-6, including first place finishes in doubles at the SEK Tournament and the Class 4A regional and sub-state tournaments; and

WHEREAS, Dan Porter, making his third straight appearance in the state tournament, finished in third place in the state singles competition, giving him a 35-6 record for his junior year; and

WHEREAS, Shane Ferguson and Omar Elshabassy, making their first appearance in the state tournament, finished fifth in the doubles competition, giving them a season record of 35-8; and

WHEREAS, Nick Romans, only the fifth freshman in Bulldog history to qualify for the state tournament, finished ninth in the singles competition, giving him a season record of 30-8; and

WHEREAS, Every Bulldog state qualifier finished in the top 10, truly making this championship a team effort; and

WHEREAS, The members of this championship team have received well deserved recognition from their community and the state for demonstrating high standards of sportsmanship and tremendous athletic ability: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Independence High School boys' tennis team and Coach Brown for winning the 2008 Class 4A state championship and for continuing a tradition of excellence in boys' tennis; and  
*Be it further resolved:* That the Secretary of the Senate provide three enrolled copies of this resolution to Senator Derek Schmidt.

On emergency motion of Senator D. Schmidt **SR 1813** was adopted unanimously.

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1814—

By Senator V. Schmidt

A RESOLUTION congratulating the Washburn Rural High School volleyball team for winning their third straight State Championship.

WHEREAS, The women of Washburn Rural High School have played their way to a 41-4 record en route to yet another State Title; and

WHEREAS, Their success this season is but an extension of their unbelievable winning streak, including their fifth straight Centennial League Championship, their 12th straight year as sub-state champions, their 10th straight appearance in the Final Four, their fourth State Title in five years, and their third straight State Championship under 14-year Coach Kevin Boredeick: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we do hereby congratulate team members Shannon Majors, Kacia Turner, Ashley Yoder, Jamie Branch, Lindsay Gifford, Alexa Boredeick, Kelsey Lewis, Jenny Hunt, Rachel Kueck, Emily Conklin, Dani Musselman, Whitney Gifford and Maddie Baum, Assistant Coach Nikki Noe and Head Coach Kevin Boredeick of the Washburn Rural High School volleyball team.

*Be it further resolved:* That 18 copies of this resolution be furnished to Coach Boredeick and the members of the Washburn Rural High School volleyball team.

On emergency motion of Senator V. Schmidt **SR 1814** was adopted unanimously.

Introduced and recognized with a standing ovation were team members, Shannon Majors, Kacia Turner, Ashley Yoder, Jamie Branch, Lindsay Gifford, Alexa Boredeick, Kelsey Lewis, Jenny Hunt, Rachel Kueck, Emily Conklin, Dani Musselman, Whitney Gifford and Maddie Baum; Assistant Coach Nikki Noe; Head Coach Kevin Boredeick; Dr. Brenda Dietrich, Ed Raines and Penny Lane.

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

SENATE RESOLUTION No. 1815—

A RESOLUTION congratulating the Residential Construction Management Team from McPherson High School.

WHEREAS, On January 21, 2009, McPherson High School's Residential Construction Management Team won 2nd place in the nation in the high school division of the 2009 International Builders' Show Residential Construction Management Competition; and

WHEREAS, The team members are Craig Lolling, Courtney Huber, Preston Mossman, Taylor Stevens and Michael Bruns with coach Arlan Penner; and

WHEREAS, The competition required the team to assemble a complete set of house plans, cost estimates and a detailed schedule for a home to be built in San Antonio, Texas; and

WHEREAS, McPherson was one of only 11 high school teams accepted into the competition, in addition to 39 universities and 20 two-year colleges; and

WHEREAS, McPherson's success was enabled with the financial support of their sponsors: The McPherson Area Contractors Association, the National Home Builders Association, the McPherson Community Education Foundation, the NuStar Foundation, the National Cooperative Refinery Association, the Wichita Area Builders Association, the American Maplan Corporation, the Light Capital Kiwanis and Joe and Diane Levens; and

WHEREAS, The technical skills and cooperation demonstrated by McPherson High School in winning this award is a testament to the commitment and hard work of the team and is deserving of all the recognition they have received: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate the Residential Construction Management Team from McPherson High School for winning 2nd place in the entire nation in the high school division of the 2009 International Builders' Show Residential Construction Management Competition.

On emergency motion of Senator Emler **SR 1815** was adopted unanimously.

Introduced and recognized with a standing ovation were team members, Craig Lolling, Courtney Huber, Preston Mossman, Taylor Stevens and Michael Bruns; Coach Arlan Penner and Courtney Huber's mother, Julie Huber.

#### REPORT ON ENGROSSED BILLS

**SB 38, SB 80, SB 85, SB 132** reported correctly engrossed February 6, 2009.

#### REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 161** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ethics and Elections** recommends **SB 55** be amended on page 1, by striking all in line 35 and inserting the following:

"Sec. 2. K.S.A. 2008 Supp. 25-4148b is hereby amended to read as follows: 25-4148b. (a) Every treasurer for a candidate for state or local office shall file reports of campaign contributions as prescribed by this act. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. Reports filed by treasurers for candidates for state-wide office shall be filed only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Reports required by this section shall be in addition to any other reports required by law.

(b) The report shall contain the name and address of each person who has made one or more contributions in an aggregate amount or value of \$300 or more during the period commencing 11 days before a primary or general election at which a state or local officer is to be elected and ending at 11:59 p.m. on the Wednesday preceding the date of election. The report shall be made on or before the close of business on the Thursday preceding the date of the election. The report shall contain the amount and date of the contribution, including the name and address of every lender, guarantor and endorser when the contribution is in the form of an advance or loan.

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

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

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

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

Sec. 3. K.S.A. 2008 Supp. 25-4148c is hereby amended to read as follows: 25-4148c. (a) Every treasurer for a party committee or political committee shall file reports of independent expenditures as prescribed by this act. Reports shall be filed with the secretary of state. Reports required by this section shall be in additions to any other reports required by law.

(b) (1) The report shall contain the name and address of each party committee or political committee which has made or contracted to be made independent expenditures in an aggregate amount or value in excess of \$300 or more during the period commencing 11 days before a primary or general election at which a state or local officer is to be elected and ending at 11:59 p.m. on the Wednesday preceding the date of the election. Such report shall contain the amount, date and purpose of each such independent expenditure, as well as the name of the candidate whose nomination, election or defeat is expressly advocated. When an independent expenditure is made by payment to an advertising agency, public relations firm or political consultant for disbursement to vendors, the report of such inde-

pendent expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each, as well as the name of the candidate whose nomination, election or defeat is expressly advocated. The report shall be made on or before the close of business on the Thursday preceding the date of the election.

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

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

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

(2) "Independent expenditure" means an expenditure that is made without the cooperation or consent of the candidate or agent of such candidate intended to be benefited and which expressly advocates the election or defeat of a clearly identified candidate.

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

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

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

Sec. 4. K.S.A. 2008 Supp. 25-4148d is hereby amended to read as follows: 25-4148d. (a) Every treasurer for a party committee or political committee shall file reports of contributions as prescribed by this act. Reports shall be filed with the secretary of state. Reports required by this section shall be in additions to any other reports required by law.

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

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

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

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

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

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

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

Sec. 5. K.S.A. 25-4142 is hereby amended to read as follows: 25-4142. K.S.A. 25-4119e, 25-4119f, 25-4119g, 25-4142 through 25-4187 and ~~K.S.A. 25-4153b,~~ sections 8 and 9, and amendments thereto, shall be known and may be cited as the campaign finance act.

Sec. 6. K.S.A. 2008 Supp. 25-4143 is hereby amended to read as follows: 25-4143. As used in the campaign finance act, unless the context otherwise requires:

(a) "Candidate" means an individual who: (1) Appoints a treasurer or a candidate committee;

(2) makes a public announcement of intention to seek nomination or election to state or local office;

(3) makes any expenditure or accepts any contribution for such person's nomination or election to any state or local office; or

- (4) files a declaration or petition to become a candidate for state or local office.
- (b) "Candidate committee" means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.
- (c) "Clearly identified candidate" means a candidate who has been identified by the:
- (1) Use of the name of the candidate;
  - (2) use of a photograph or drawing of the candidate; or
  - (3) unambiguous reference to the candidate whether or not the name, photograph or drawing of such candidate is used.
- (d) "Commission" means the governmental ethics commission.
- (e) (1) "Contribution" means:
- (A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.
  - (B) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;
  - (C) a transfer of funds between any two or more candidate committees, party committees or political committees;
  - (D) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;
  - (E) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events;
  - (F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.
- (2) "Contribution" does not include:
- (A) The value of volunteer services provided without compensation;
  - (B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;
  - (C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;
  - (D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of \$50 per event; *or*
  - (E) The transfer of campaign funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a, and amendments thereto.
- (f) "Election" means:
- (1) A primary or general election for state or local office; and
  - (2) a convention or caucus of a political party held to nominate a candidate for state or local office.
- (g) (1) "Expenditure" means:
- (A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made by a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.
  - (B) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;
  - (C) any contract to make an expenditure;
  - (D) a transfer of funds between any two or more candidate committees, party committees or political committees; or
  - (E) payment of a candidate's filing fees.
- (2) "Expenditure" does not include:
- (A) The value of volunteer services provided without compensation;

(B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of \$50 per event; or

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to expressly advocate the nomination, election or defeat of a clearly identified candidate.

(h) "Expressly advocate the nomination, election or defeat of a clearly identified candidate" means any communication which uses phrases including, but not limited to:

- (1) "Vote for the secretary of state";
- (2) "re-elect your senator";
- (3) "support the democratic nominee";
- (4) "cast your ballot for the republican challenger for governor";
- (5) "Smith for senate";
- (6) "Bob Jones in '98";
- (7) "vote against Old Hickory";
- (8) "defeat" accompanied by a picture of one or more candidates; or
- (9) "Smith's the one."

(i) "Party committee" means:

(1) The state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(2) the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(3) the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated;

(4) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate;

(5) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives; or

(6) not more than one political committee per congressional district established by the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and designated as a congressional district party committee.

(j) "Person" means any individual, committee, corporation, partnership, trust, organization or association.

(k) (1) "Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office.

(2) "Political committee" shall not include a candidate committee or a party committee.

(l) "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer's official capacity.

(m) "Public office" means a state or local office. (n) "Local office" means:

(1) A member of the governing body of a city of the first class;

(2) an elected office of:

(A) A unified school district having 35,000 or more pupils regularly enrolled in the preceding school year;

(B) a county; or

(C) the board of public utilities.



~~(m)~~ (o) "State office" means any state office as defined in K.S.A. 25-2505, and amendments thereto.

~~(n)~~ (p) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise contributions for such candidate's campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.

~~(o)~~ (q) "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. 25-4172, and amendments thereto.

~~(p)~~ "Local office" means a member of the governing body of a city of the first class, any elected office of a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities. Sec. 7. K.S.A. 2008 Supp. 25-4157a is hereby amended to read as follows: 25-4157a. (a) No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for:

- (1) Legitimate campaign purposes;
- (2) expenses of holding political office;
- (3) contributions to the party committees of the political party of which such candidate is a member;
- (4) any membership dues related to the candidate's campaign paid to a community service or civic organization in the name of the candidate;
- (5) any donations paid to a community service or civic organization in the name of the candidate or candidate committee of any candidate but only if the candidate receives no goods or services unrelated to the candidate's campaign as a result of the payment of such donations;
- (6) expenses incurred in the purchase of tickets to meals and special events sponsored by any organization the major purpose of which is to promote or facilitate the social, business, commercial or economic well being of the local community; or
- (7) expenses incurred in the purchase and mailing of greeting cards to voters and constituents.

For the purpose of this subsection, expenditures for "personal use" shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.

(b) No moneys received by any candidate or candidate committee of any candidate as a contribution shall be used to pay interest or any other finance charges upon moneys loaned to the campaign by such candidate or the spouse of such candidate.

(c) No candidate or candidate committee shall accept from any other candidate or candidate committee for any candidate for local, state or national office, any moneys received by such candidate or candidate committee as a campaign contribution. The provisions of this subsection shall not be construed to prohibit:

(1) A candidate or candidate committee from accepting moneys from another candidate or candidate committee if such moneys constitute a reimbursement for one candidate's proportional share of the cost of any campaign activity participated in by both candidates involved. Such reimbursement shall not exceed an amount equal to the proportional share of the cost directly benefiting and attributable to the personal campaign of the candidate making such reimbursement; or

(2) A candidate or candidate committee from transferring campaign funds to a bona fide successor committee or candidacy established by the candidate.

(d) ~~At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds otherwise not obligated for the payment of expenses incurred in such campaign or the holding of office shall be contributed to a charitable organization, as defined by the laws of the state, contributed to a party committee or returned as a refund in whole or in part to any contributor or contributors from whom received or paid into the general fund of the state. At the time of the termination of any campaign and prior to the filing of a termination report~~

in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds not otherwise obligated for the payment of expenses incurred in such campaign or the holding of office, or any portion of such funds, shall be:

- (1) Contributed to a charitable organization, as defined by the laws of the state; or
- (2) contributed to a party committee; or
- (3) returned as a refund in whole or in part to any contributor or contributors from whom such funds were received; or
- (4) paid into the general fund of the state; or
- (5) transferred to a bona fide successor committee or candidacy established by the candidate; or
- (6) transferred for the purpose of retiring the remaining debt to the original committee or candidacy from which funds were transferred pursuant to paragraph (2) of subsection (e).

Whenever a transfer to a bona fide successor committee or candidacy is made pursuant to paragraph (5), all moneys shall be transferred to the bona fide successor committee or candidacy.

(e) For the purposes of this section, "bona fide successor committee or candidacy" means:

- (1) The candidate's campaign committee or candidacy for a public office initiated at the termination of the original candidacy; or
- (2) the candidate's campaign committee or candidacy initiated at the time of the transfer of all moneys to a new campaign committee or candidacy for public office when there is debt in the original campaign at the time of the transfer and the candidate does not terminate the original campaign committee or candidacy.

New Sec. 8. (a) Upon transferring money to a bona fide successor committee or candidacy as defined by paragraph (2) of subsection (e) of K.S.A. 25-4157a, and amendments thereto, the candidate may only accept contributions to the original candidacy sufficient to retire the debt. Such contributions shall be subject to the contribution limits for the original office sought as set forth in K.S.A. 25-4153, and amendments thereto. Once the candidate has received sufficient contributions to retire the debt, the candidate must terminate the candidacy pursuant to the provisions set forth in subsection (d) of K.S.A. 25-4157a, and amendments thereto.

(b) This section shall be part of and supplemental to the campaign finance act.

New Sec. 9. (a) For the period commencing on January 1, 1976, and ending on the day preceding the effective date of this act, any candidate who transferred campaign funds to a bona fide successor candidacy, as such term is defined in K.S.A. 25-4157a, and amendments thereto, shall be deemed to have made such transfer in compliance with the provisions of the campaign finance act in existence at the time of such transfer regardless of when the original campaign fund is closed after the date such transfer is made and such transfer is hereby validated.

Sec. 10. K.S.A. 25-1218 and 25-4142 and K.S.A. 2008 Supp. 25-4143, 25-4148b, 25-4148c, 25-4148d and 25-4157a are hereby repealed.";

Also on page 1, in the title, in line 9, by striking all after the semicolon; by striking all in lines 10 and 11 and inserting "amending K.S.A. 25-1218 and 25-4142 and K.S.A. 2008 Supp. 25-4143, 25-4148b, 25-4148c, 25-4148d and 25-4157a and repealing the existing sections."; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 61, SB 66, SB 68, SB 70** be passed.

Also, **SB 134** be amended on page 17, in line 13, by striking "statue book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 91** be amended on page 1, in line 17, by striking "five" and inserting "10"; in line 18, after the period by inserting "For purposes of this section, residential developments may include single family housing; multiple family housing such as apartments, duplexes, townhomes and similar configurations; condominiums; and mobile homes."; in line 21, after the stricken "all" by inserting "all"; after line 29 by inserting the following:

"(c) The governing body may provide in zoning regulations for earlier vesting of development rights, however, vesting shall occur in the same manner for all uses of land within a land-use classification under the adopted zoning regulations.";

Also on page 1, by striking all in lines 30 and 31; and the bill be passed as amended.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Apple the following report was adopted:

Recommended **SB 16**, **SB 31** be passed.

**SB 97** be amended by adoption of the committee amendments, and the bill be passed as amended.

**SB 131** be amended by adoption of the committee amendments, and be further amended by motion of Senator Shodorf, on page 1, in line 21, by striking "statute,,"; in line 23, following the period by inserting, "If the designation of a technical college is changed pursuant to this section, whenever any statute refers to a technical college by the designation in K.S.A. 72-4472, 72-4473, 72-4474, 72-4475, 72-4477 or K.S.A. 2008 Supp. 72-4477a, as such sections existed prior to July 1, 2009, such reference or designation shall be construed to mean the designation as provided in the resolution.," and **SB 131** be passed as further amended.

**SB 33** be amended by adoption of the committee amendments, and be further amended by motion of Senator V. Schmidt, on page 1, preceding line 17, by inserting the following:

"New Section 1. (a) The emergency medical services board may require an original applicant for licensure to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or other jurisdictions. The board is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The board may use the information obtained from fingerprinting and the applicant's criminal history for purposes of verifying the identification of any applicant and in the official determination of character and fitness of the applicant for any licensure to practice emergency medical services in this state.

(b) Local and state law enforcement officers and agencies shall assist the emergency medical services board in taking and processing of fingerprints of applicants to practice emergency medical services in this state and shall release all records of adult convictions and non-convictions and adult convictions or adjudications of another state or country to the emergency medical services board.

(c) The board shall fix a fee for fingerprinting of applicants or licenses, or both, as may be required by the board in an amount necessary to reimburse the board for the cost of the fingerprinting. All such fees shall be credited in full to the criminal background and fingerprinting fund.

(d) There is hereby created in the state treasury the criminal background and fingerprinting fund. All money credited to the fund shall be used to pay the Kansas bureau of investigation for the processing of fingerprints and criminal history background checks for the board of emergency medical services. The fund shall be administered by the board of emergency medical services. The board of emergency medical services shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the criminal background and fingerprinting fund. All expenditures from the 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 board or a person designated by the board under K.S.A. 65-6103, and amendments thereto.,"

And by renumbering the remaining sections accordingly;

Also on page 1, in line 42, following the period, by inserting "The board of pharmacy shall remit all moneys received by or for its from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto.

Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the pharmacy fee fund.”;

In the title, in line 10, by striking “board of pharmacy” and inserting “licensure of certain health care professionals”; in line 11, by striking all following the semicolon; in line 12, by striking all preceding “amending”, and **SB 33** be passed as further amended.

**APPOINTS ESCORTS**

In compliance with **HCR 5007**, President Morris appointed Senators Owens and Haley to escort the Supreme Court Justices to the State of Judiciary Joint Session with the House of Representatives on Tuesday, February 10, 2009.

On motion of Senator D. Schmidt the Senate adjourned until 11:00 a.m., Tuesday, February 10, 2009, for a joint session with the House of Representatives. The Senate will reconvene at 2:30 p.m.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

