

Journal of the House

TWENTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 16, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 120 members present.
Reps. Donohoe and Johnson were excused on verified illness.
Reps. Garcia, C. Holmes and Neufeld were excused on excused absence by the Speaker.
Present later: Rep. C. Holmes.

Prayer by Chaplain Brubaker:

Father, God,
You advise us with these words:
"If people can't see what God is doing,
they stumble all over themselves;
but when they attend to what God reveals,
they are most blessed."
(Proverbs 29: 18, The Message)
My prayer is simple today . . .
rather than stumbling around
in our decision-making,
we desire to be blessed.
So, help us to listen to You.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Grange.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was referred to committee as indicated:
Health and Human Services: **HR 6017**.

COMMUNICATIONS FROM STATE OFFICERS

From Kevin Carr, Interim President & CEO, Kansas Technology Enterprise Corporation (KTEC), pursuant to K.S.A. 74-8136(c), Annual Report for the Angel Tax Credit program.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

CONSENT CALENDAR

No objection was made to **HB 2415** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2473**, **HB 2485** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2473, An act concerning the consumer credit code; relating to finance charges; prohibiting surcharges on credit and debit cards; amending K.S.A. 16a-2-403 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, C. Holmes, Johnson, Neufeld.

The bill passed.

HB 2485, An act relating to motor carriers; increasing time period for verification of compliance with certain requirements; amending K.S.A. 2009 Supp. 66-1,114 and 66-1,114b and repealing the existing sections, 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: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Johnson, Neufeld.

The bill passed.

HB 2434, An act concerning state parks; relating to the naming thereof; amending K.S.A. 2009 Supp. 32-837 and repealing the existing section, 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: Ballard, Benlon, Bethell, Bollier, Bowers, Burgess, Burroughs, Carlin, Carlson, Colloton, Crow, Crum, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, George, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, C. Holmes, M. Holmes, Horst, Jack, Kerschen, Kiegerl, King, Kleeb, Kuether, Light, Loganbill, Long, Mah, McCray-Miller, Morrison, Myers, O'Brien, O'Neal, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Roth, Ruiz, Schwab, Schwartz, Seiwert, Shultz, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Barnes, Brookens, A. Brown, T. Brown, Brunk, Craft, DeGraaf, Dillmore, Faber, D. Gatewood, S. Gatewood, Grange, Hermanson, Hineman, Huebert, Kelley, Kinzer, Knox, Landwehr, Lane, Lukert, Maloney, Mast, McLeland, Meier, Menghini, Merrick,

Moxley, Neighbor, Olson, Patton, Peck, Prescott, Quigley, Rhoades, Schroeder, Siegfried, Slattery, Suellentrop, Talia, Ward.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Johnson, Neufeld.

The bill passed, as amended.

HB 2492. An act relating to insurance; concerning motor vehicle liability insurance coverage; amending K.S.A. 2009 Supp. 40-3104 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: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Johnson, Neufeld.

The bill passed.

HB 2548. An act concerning drainage district No. 2 of Finney county, Kansas; pertaining to the election of directors; amending K.S.A. 24-412 and K.S.A. 2009 Supp. 24-139a and 24-409 and repealing the existing sections, 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: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Johnson, Neufeld.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that Committee report to **HB 2442** be adopted; also, on motion of Rep. Knox to amend, the motion did not prevail. Also, on further motion of Rep. Knox to amend, the motion did not prevail, and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2403** be adopted; also, on motion of Rep. Mah to amend, Rep. Kleeb requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Mah to amend on page 1, in line 12, by striking "13" and inserting "19";

On page 2, in line 2, by striking "13" and inserting "19";

On page 8, in line 27, by striking "13" and inserting "19"; after line 31, by inserting the following:

"Sec. 13. (a) All vendors shall verify the identity and employment eligibility of all persons hired by completing and retaining pursuant to this section a federal form I-9 for each employee. For purposes of this section, the term employee shall not include any person providing services for the vendor as an independent contractor.

(b) Vendors shall, to the extent not inconsistent with federal laws and regulations:

(1) Ensure that each employee completes section 1 of the form I-9 when the employee starts work;

(2) review documents establishing each employee's identity and eligibility to work to ensure that such documents reasonably appear:

(A) To be genuine; and

(B) to relate to the individual presenting the documents;

(3) complete section 2 of the form I-9;

(4) complete section 3 of the form I-9;

(5) retain the form I-9 for three years after the date the person began work or one year after the person's employment is terminated, whichever is later; and

(6) make the form I-9 available for inspection by state or federal officials upon request with three days notice.

(c) The Kansas department of labor shall make the form I-9 available to all vendors.

(d) No action shall be brought by any person, city, county or state official against any vendor who complies with the provisions of subsections (a) and (b) relating in any way to the employment of an illegal alien.

(e) In the event that the form I-9 is amended or replaced after the enactment of this section, a vendor shall be considered in compliance with the provisions of subsections (a) and (b) if it completes and maintains the then current federal employment eligibility form consistent with all relevant federal laws and regulations.

Sec. 14. (a) A person or entity is considered to have complied with a requirement of sections 13 through 16, and amendments thereto, notwithstanding a technical or procedural failure to meet such requirement, if there was a good faith attempt to comply with the federal requirements found in title 8 of the United States code, section 1324a.

(b) A person or entity which establishes that it has complied in good faith with respect to the hiring, recruiting or referral for employment of an alien in the United States has established an affirmative defense under sections 13 through 16, and amendments thereto.

Sec. 15. (a) No state agency shall, for a period of five years commencing on the date of judgment or final order, award a public works or purchase contract to a vendor, nor shall a vendor be eligible to bid for or receive a public works contract during such five-year period, when such vendor has, in the preceding five years:

(1) Been convicted of violating a law of this state, including, but not limited to, K.S.A. 21-4409, and amendments thereto, or federal law respecting the employment of illegal aliens; or

(2) been a party to a state agency proceeding in this state in which a penalty or sanction was ordered, either by hearing or final order, or through stipulation and agreement, for violation of a law of this state, including, but not limited to, K.S.A. 21-4409, and amendments thereto, or federal law respecting the employment of illegal aliens.

(b) Any vendor found to be in violation of subsection (a) by attempting to bid on a contract or having been awarded a contract when ineligible shall, in addition to all available administrative penalties and sanctions, forfeit and be liable for an amount equal to the total value

of the state benefit such vendor has received or been the beneficiary of for the period of five years leading up to the date of the finding of guilt, not to exceed the federally prescribed civil penalty in title 8 of the United States code, section 1324a.

Sec. 16. As used in sections 13 through 16, and amendments thereto:

(a) "Illegal alien" means any person not a citizen of the United States who has entered the United States in violation of the federal immigration and naturalization act or regulations issued thereunder, who has legally entered but without the right to be employed in the country, or who has legally entered subject to a time limit but has remained illegally after the expiration of such time limit, except that the term "illegal alien" shall not mean any person who currently has the legal right to remain in the United States and to be employed in the United States even though such person originally entered the United States in violation of the federal immigration and naturalization act or regulations issued thereunder and is not a citizen of the United States.

(b) "Vendor" means any person, including any partnership, firm, subcontractor, corporation or association, or agent thereof, who engages or utilizes the personal services of one or more individuals for a salary or wage.

Sec. 17. The secretary of the department of administration shall be responsible for administering the provisions of sections 13 through 16, and amendments thereto.

Sec. 18. The provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto, shall govern all proceedings initiated under sections 13 through 16, and amendments thereto.;

And by renumbering sections accordingly;

Also on page 8, in line 32, by striking "13" and inserting "19"; in line 36, by striking "13" and inserting "19";

On page 1, in the title, in line 9, after "ACT" by inserting "concerning state contracts"; also in line 9, before the period, by inserting "; relating to awarding contracts";

Roll call was demanded.

On roll call, the vote was: Yeas 105; Nays 13; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kiegerl, King, Kinzer, KleeB, Knox, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, O'Brien, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, George, Kerschen, Light, McLeland, Merrick, O'Neal, Patton, Prescott, Rhoades, Schwab, Siegfried, Whitham.

Present but not voting: None.

Absent or not voting: Donohoe, Fund, Garcia, Hineman, Huebert, Johnson, Neufeld.

The motion of Rep. Mah prevailed.

Also, on motion of Rep. KleeB, **Sub. HB 2403** be amended on page 7, in line 40, by striking "or" where it appears the second time; in line 43, before the period by inserting "or to contracts for building construction"; following line 43, by inserting the following:

"(d) For purposes of this section, the term "building construction" means furnishing labor, equipment, material or supplies used or consumed for the design, construction, alteration, renovation, repair or maintenance of a building or structure, including multilevel parking structures and stand-alone parking lots.;"

Also, on motion of Rep. KleeB, **Sub. HB 2403** be referred to Committee on Appropriations.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2638** be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 31 and inserting the following:

“New Section 1. (a) The governing board of the horsethief reservoir benefit district is authorized to appoint a law enforcement manager and law enforcement officers to serve under the command of the law enforcement manager.

(b) Those employees of the horsethief reservoir benefit district that are appointed as law enforcement officers must meet the requirements of the Kansas law enforcement training act, K.S.A. 74-5601 through 74-5623, and amendments thereto.

(c) A law enforcement officer appointed under this section shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in all counties where any horsethief reservoir benefit district property is located, as provided in section 5, and amendments thereto. A law enforcement officer may book an arrested person at the jail in the jurisdiction of the arrest. Such law enforcement officer shall complete any required reports, arrest affidavits and other documents associated with the arrest. These reports shall be kept on file with the office of the law enforcement manager, unless a memorandum of agreement with a local law enforcement agency specifies otherwise.

(d) While on duty, law enforcement officers appointed under this section shall wear and publicly display a badge of office and a uniform. No such badge shall be required to be worn by any plain clothes investigator or department administrator, but any such officer shall present proper credentials and identification when required in the performance of such officer’s duties.”;

On page 6, by striking all in lines 2 through 4 and inserting the following:

“Sec. 5. K.S.A. 22-2401a is hereby amended to read as follows: 22-2401a. (1) Law enforcement officers employed by consolidated county law enforcement agencies or departments and sheriffs and their deputies may exercise their powers as law enforcement officers:

(a) Anywhere within their county; and

(b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.

(2) Law enforcement officers employed by any city may exercise their powers as law enforcement officers:

(a) Anywhere within the city limits of the city employing them and outside of such city when on property owned or under the control of such city; and

(b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.

(3) (a) Law enforcement officers employed by a Native American Indian Tribe may exercise powers of law enforcement officers anywhere within the exterior limits of the reservation of the tribe employing such tribal law enforcement officer, subject to the following:

(i) The provisions of subsection (3)(a) shall be applicable only as long as such Native American Indian Tribe maintains in force a valid and binding agreement with an insurance carrier to provide liability insurance coverage for damages arising from the acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section and waives its tribal immunity, as provided in paragraph (b) of subsection (3), for any liability for damages arising from the acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section. Such insurance policy shall: (A) (1) Be in an amount not less than \$500,000 for any one person and \$2,000,000 for any one occurrence for personal injury and \$1,000,000 for any one occurrence for property damage; (2) be in an amount not less than \$2,000,000 aggregate loss limit; and (3) carry an endorsement to provide coverage for mutual aid assistance; and (B) include an endorsement providing that the insurer may not invoke tribal sovereign immunity up to the limits of the policy set forth herein. Any insurance carrier providing to a tribe the liability insurance coverage described in this subsection shall certify to the attorney general that the tribe has in effect coverage which complies with the requirements of this subsection. Such carrier shall notify the attorney general immediately by first class mail if for any reason such coverage terminates or no longer complies with the requirements of this subsection.

(ii) The provisions of subsection (3)(a) shall be applicable only if such Native American Indian Tribe has filed with the county clerk a map clearly showing the boundaries of the Tribe's reservation as defined in this section.

(b) If a claim is brought against any tribal law enforcement agency or officer for acts committed by such agency or officer while acting pursuant to this section, such claim shall be subject to disposition as if the tribe was the state pursuant to the Kansas tort claims act, provided that such act shall not govern the tribe's purchase of insurance. The tribe shall waive its sovereign immunity solely to the extent necessary to permit recovery under the liability insurance, but not to exceed the policy limits.

(c) Nothing in this subsection (3) shall be construed to prohibit any agreement between any state, county or city law enforcement agency and any Native American Indian Tribe.

(d) Nothing in this subsection (3) shall be construed to affect the provision of law enforcement services outside the exterior boundaries of reservations so as to affect in any way the criteria by which the United States department of the interior makes a determination regarding placement of land into trust.

(e) Neither the state nor any political subdivision of the state shall be liable for any act or failure to act by any tribal law enforcement officer.

(4) University police officers employed by the chief executive officer of any state educational institution or municipal university may exercise their powers as university police officers anywhere:

(a) On property owned or operated by the state educational institution or municipal university, by a board of trustees of the state educational institution, an endowment association, an athletic association, a fraternity, sorority or other student group associated with the state educational institution or municipal university;

(b) on the streets, property and highways immediately adjacent to the campus of the state educational institution or municipal university;

(c) within the city where such property as described in this subsection is located, as necessary to protect the health, safety and welfare of students and faculty of the state educational institution or municipal university, with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the chief executive officer of the state educational institution or municipal university involved before such agreement may take effect; and

(d) additionally, when there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in subsection (4)(a) or (b), such officers with appropriate notification of, and coordination with, local law enforcement agencies or departments, may investigate and arrest persons for such a violation anywhere within the city where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person. University police officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located. University police officers at the university of Kansas medical center may provide emergency transportation of medical supplies and transplant organs.

(5) In addition to the areas where law enforcement officers may exercise their powers pursuant to subsection (2), law enforcement officers of any jurisdiction within Johnson or Sedgewick county may exercise their powers as law enforcement officers in any area within the respective county when executing a valid arrest warrant or search warrant, to the extent necessary to execute such warrants.

(6) In addition to the areas where university police officers may exercise their powers pursuant to subsection (4), university police officers may exercise the powers of law enforcement officers in any area outside their normal jurisdiction when a request for assistance has been made by law enforcement officers from the area for which assistance is requested.

(7) In addition to the areas where law enforcement officers may exercise their powers pursuant to subsection (2), law enforcement officers of any jurisdiction within Johnson

county may exercise their powers as law enforcement officers in any adjoining city within Johnson county when any crime, including a traffic infraction, has been or is being committed by a person in view of the law enforcement officer. A law enforcement officer shall be considered to be exercising such officer's powers pursuant to subsection (2), when such officer is responding to the scene of a crime, even if such officer exits the city limits of the city employing the officer and further reenters the city limits of the city employing the officer to respond to such scene.

(8) Campus police officers employed by a community college or school district may exercise the power and authority of law enforcement officers anywhere:

(a) On property owned, occupied or operated by the school district or community college or at the site of a function sponsored by the school district or community college;

(b) on the streets, property and highways immediately adjacent to and coterminous with property described in subsection (8)(a);

(c) within the city or county where property described in subsection (8)(a) is located, as necessary to protect the health, safety and welfare of students and faculty of the school district or community college, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the board of education or board of trustees involved;

(d) with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in subsection (8)(a) or (8)(b) is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation;

(e) when in fresh pursuit of a person; and

(f) when transporting persons in custody to an appropriate facility, wherever it may be located.

(9) TAG law enforcement officers employed by the adjutant general may exercise their powers as police officers anywhere:

(a) On property owned or under the control of the Kansas national guard or any component under the command of the adjutant general;

(b) on the streets, property and highways immediately adjacent to property owned or under the control of the Kansas national guard; within the city or county where such property as described in subsection (9)(a) or (b) is located, as necessary to protect such property; or to protect the health, safety and welfare of members of the national guard, reserve or employees of the United States department of defense, the United States department of homeland security or any branch of the United States military with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the adjutant general before such agreement may take effect. In addition, when there is reason to believe that a violation of a state law, a county resolution or a city ordinance has occurred on property described in subsection (9)(a) or (b), after providing appropriate notification to, and coordination with, local law enforcement agencies or departments, such officers may investigate and arrest persons for such a violation anywhere within the city or county where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person. TAG law enforcement officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located.

(10) *Horsethief reservoir benefit district law enforcement officers may exercise the power and authority of law enforcement officers anywhere:*

(a) On property owned, occupied or operated by the benefit district or at the site of a function sponsored by the benefit district;

(b) on the streets, property and highways immediately adjacent to and coterminous with property described in subsection (10)(a);

(c) within the city or county where property described in subsection (10)(a) is located, as necessary to protect the health, safety and welfare of benefit district employees, board members, volunteers and visitors, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the governing board of the horsethief reservoir benefit district;

(d) with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in subsection (10)(a) or (10)(b) is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation;

(e) when in fresh pursuit of a person; and

(f) when transporting persons in custody to an appropriate facility, wherever it may be located.

~~(10)~~ (11) As used in this section:

(a) "Law enforcement officer" means: (1) Any law enforcement officer as defined in K.S.A. 22-2202, and amendments thereto; or (2) any tribal law enforcement officer who is employed by a Native American Indian Tribe and has completed successfully the initial and any subsequent law enforcement training required under the Kansas law enforcement training act.

(b) "University police officer" means a police officer employed by the chief executive officer of: (1) Any state educational institution under the control and supervision of the state board of regents; or (2) a municipal university.

(c) "Campus police officer" means a school security officer designated as a campus police officer pursuant to K.S.A. 72-8222, and amendments thereto.

(d) "Fresh pursuit" means pursuit, without unnecessary delay, of a person who has committed a crime, or who is reasonably suspected of having committed a crime.

(e) "Native American Indian Tribe" means the Prairie Band Potawatomi Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of Missouri and the Iowa Tribe of Kansas and Nebraska.

(f) "Reservation" means:

(i) With respect to the Iowa Tribe of Kansas and Nebraska, the reservation established by treaties with the United States concluded May 17, 1854, and March 6, 1861;

(ii) with respect to the Kickapoo Nation, the reservation established by treaty with the United States concluded June 28, 1862;

(iii) with respect to the Prairie Band Potawatomi Nation in Kansas, the reservation established by treaties with the United States concluded June 5, 1846, November 15, 1861, and February 27, 1867; and

(iv) with respect to the Sac and Fox Nation of Missouri in Kansas and Nebraska: (A) the reservation established by treaties with the United States concluded May 18, 1854, and March 6, 1861, and by acts of Congress of June 10, 1872 (17 Stat. 391), and August 15, 1876 (19 Stat. 208), and (B) the premises of the gaming facility established pursuant to the gaming compact entered into between such nation and the state of Kansas, and the surrounding parcel of land held in trust which lies adjacent to and east of U.S. Highway 75 and adjacent to and north of Kansas Highway 20, as identified in such compact.

(g) "TAG law enforcement officer" means a police officer employed by the adjutant general pursuant to K.S.A. 48-204 and amendments thereto.

(h) "Horsethief reservoir benefit district law enforcement officer" means a police officer employed by the horsethief reservoir benefit district pursuant to section 1 and amendments thereto.";

And by renumbering the remaining sections accordingly;

Also on page 6, in line 5, after "K.S.A." by inserting "22-2401a and K.S.A.";

In the title, in line 10, after "K.S.A." by inserting "22-2401a and K.S.A."; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **SB 316** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 316," as follows:

"HOUSE Substitute for SENATE BILL No. 316

By Committee on Agriculture and Natural Resources

"AN ACT concerning water rights; relating to abandonment and termination; creating a water conservation exception; amending K.S.A. 2009 Supp. 82a-718 and repealing the existing section."; and the substitute bill be passed.

(**H. Sub. for SB 316** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2582**, **HB 2661** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2517** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2517," as follows:

"Substitute for HOUSE BILL No. 2517

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, punishment and criminal procedure; relating to domestic violence; amending K.S.A. 20-369, 22-2307 and 22-2908 and K.S.A. 2009 Supp. 21-3110, 21-4603d, 22-2909 and 75-712 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2517** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2604** be amended on page 2, in line 30, after "(11)" by inserting "if the defendant is convicted of a misdemeanor or a felony provision of subsection (i) of K.S.A. 21-4704, and amendments thereto."; also in line 30, before "provided" by inserting "other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto."; and the bill be passed as amended.

Committee on **Education** recommends **HB 2595** be amended on page 1, in line 27, by striking "a sending school district" and inserting "the district in which the pupil resides";

On page 2, by striking all in lines 7 through 18 and inserting the following:

"(b) The board of education of any school district may allow any pupil who is not a resident of the district to enroll in and attend school in such district. The board of education of such district may furnish or provide transportation to any non-resident pupil who is enrolled in and attending school in the district pursuant to this section. If the district agrees to furnish or provide transportation to a non-resident pupil, such transportation shall be furnished or provided until the end of the school year. Prior to providing or furnishing transportation to a non-resident pupil, the district shall notify the board of education of the district in which the pupil resides that transportation will be furnished or provided.

(c) Pupils attending school in a school district in which the pupil does not reside pursuant to this section shall be counted as regularly enrolled in and attending school in the district where the pupil is enrolled for the purpose of computations, except computation of transportation weighting, under the school district finance and quality performance act and for the purposes of the statutory provisions contained in article 83 of chapter 72 of the Kansas Statutes Annotated. Such non-resident pupil shall not be charged for the costs of attendance at school."; and the bill be passed as amended.

Committee on **Education** recommends **HB 2601** be amended on page 1, by striking all in lines 14 through 43;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 28;

On page 6, by striking all in lines 7 through 26 and inserting the following:

"Section 1. K.S.A. 2009 Supp. 72-6455 is hereby amended to read as follows: 72-6455.

(a) (1) As used in this section, school district means any district having: ~~(1)~~ (A) An enrollment of at least 50% at-risk pupils; or ~~(2)~~ (B) an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile.

~~(b)~~ (2) The high density at-risk pupil weighting of each school district shall be determined by the state board by multiplying the number of at-risk pupils by .10. The product is the high density at-risk pupil weighting of the district.

~~(c)~~ (3) If a school district becomes ineligible for high density at-risk pupil weighting because enrollment of at-risk pupils in the district falls below the requirements of *paragraph (1) of this subsection* ~~(a)~~, the high density at-risk pupil weighting of the district shall be the greater of: ~~(A)~~ (A) The high density at-risk pupil weighting in the current school year; ~~(B)~~ (B) the high density at-risk pupil weighting in the prior school year; or ~~(C)~~ (C) the average of the high density at-risk pupil weighting in the current school year and the preceding two school years.

The provisions of this ~~subsection~~ *paragraph (3)* shall expire on June 30, 2011.

~~(4)~~ *This subsection (a) shall expire in the school year in which the appropriation for general state aid is sufficient in amount to fund the base state aid per pupil at \$4,492, or higher.*

~~(b)~~ (1) *This subsection shall become effective in the school year in which the appropriation for general state aid is sufficient in amount to fund the base state aid per pupil at \$4,492, or higher, and in each school year thereafter.*

(2) *The high density at-risk pupil weighting of each school district shall be determined by the state board as follows:*

(A) *If the district has an enrollment of at least 35% but less than 50% at-risk pupils, the state board shall:*

(i) *Subtract 35% from the percentage of at-risk enrollment in the district;*

(ii) *multiply the amount determined under paragraph (i) by .007; and*

(iii) *multiply the number of at-risk pupils enrolled in the district by the product determined under paragraph (ii). The product is the high density at-risk pupil weighting of the district.*

(B) *If the district has an enrollment of 50% or more at-risk pupils, the state board shall multiply the number of at-risk pupils by .105. The product is the high density at-risk pupil weighting of the district.*

Sec. 2. K.S.A. 2009 Supp. 72-6459 is hereby amended to read as follows: 72-6459. (a) As used in this section, "school district" means any district having an enrollment of at least 40% but less than 50% at-risk pupils.

(b) The medium density at-risk pupil weighting of each school district shall be determined by the state board by multiplying the number of at-risk pupils by .06. The product is the medium density at-risk pupil weighting of the district.

(c) If a school district becomes ineligible for medium density at-risk pupil weighting because enrollment of at-risk pupils in the district falls below the requirement of subsection (a), the medium density at-risk pupil weighting of the district shall be the greater of: (1) The medium density at-risk pupil weighting in the current school year; (2) the medium density at-risk pupil weighting in the prior school year; or (3) the average of the medium density at-risk pupil weighting in the current school year and the preceding two school years.

The provisions of this subsection shall expire on June 30, 2011.

~~(d)~~ *This section shall expire in the school year in which the appropriation for general state aid is sufficient in amount to fund the base state aid per pupil at \$4,492, or higher.*;

Also on page 6, in line 27, by striking "72-6407,";

In the title, in line 10, by striking "72-6407 and"; also in line 10, after "72-6455" by inserting "and 72-6459"; in line 11, by striking "; also repealing K.S.A. 2009 Supp. 72-6459"; and the bill be passed as amended.

Education Budget Committee recommends **HB 2280** be amended on page 1, by striking all in lines 14 through 43;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 32 and inserting the following:

"Section 1. K.S.A. 2009 Supp. 72-8814 is hereby amended to read as follows: 72-8814.

(a) There is hereby established in the state treasury the school district capital outlay state aid fund. Such fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which levies a tax pursuant to K.S.A. 72-8801 et seq., and amendments thereto, shall be entitled to receive payment from the school district capital outlay state aid fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

(1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

(2) determine the median AVPP of all school districts;

(3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(4) (A) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2009 Supp. 72-8814b, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. ~~The state aid computation percentage is 25%;~~

(B) (i) *For levies imposed by a school district pursuant to a resolution adopted and published under this section prior to July 1, 2010, and such resolution either was not protested or that it was protested and an election has been held prior to July 1, 2010, the state aid computation percentage is 25%.*

(ii) *For levies imposed by a school district pursuant to a resolution adopted and published under this section prior to July 1, 2010, and the protest period had not expired prior to July 1, 2010, or such resolution was protested and the election was not held prior to July 1, 2010, the state aid computation percentage is 15%.*

(iii) *For levies imposed by a school district pursuant to a resolution adopted on or after July 1, 2010, the state aid computation percentage is 15%;*

(5) determine the amount levied by each school district pursuant to K.S.A. 72-8801 et seq., and amendments thereto;

(6) multiply the amount computed under (5), but not to exceed 8 mills, by the applicable state aid percentage factor. The product is the amount of payment the school district is entitled to receive from the school district capital outlay state aid fund in the school year.

(c) The state board shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital outlay state aid fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.

(d) Payments from the school district capital outlay state aid fund shall be distributed to school districts at times determined by the state board of education. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the capital outlay fund of the school district to be used for the purposes of such fund.

(e) Amounts transferred to the capital outlay fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when

determining the amount of state aid to which a district is entitled to receive under this section.

Sec. 2. K.S.A. 2009 Supp. 75-2319 is hereby amended to read as follows: 75-2319. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) Subject to the provisions of subsection (f), in each school year, each school district which is obligated to make payments from its capital improvements fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

(1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

(2) determine the median AVPP of all school districts;

(3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(4) (A) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2009 Supp. 75-2319c, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. ~~The state aid computation percentage is 5% for contractual bond obligations incurred by a school district prior to the effective date of this act, and 25% for contractual bond obligations incurred by a school district on or after the effective date of this act;~~

(B) (i) *For contractual bond obligations incurred by a school district prior to July 1, 1992, the state aid computation percentage is 5%.*

(ii) *For contractual bond obligations incurred by a school district on or after July 1, 1992, if the issuance of such bonds has been approved by the electors of the school district at an election held prior to July 1, 2010, the state aid computation percentage is 25%.*

(iii) *For contractual bond obligations incurred by a school district the issuance of which was approved by the electors of the district at an election held on or after July 1, 2010, the state aid computation percentage is 15%;*

(5) determine the amount of payments in the aggregate that a school district is obligated to make from its bond and interest fund and, of such amount, compute the amount attributable to contractual bond obligations incurred by the school district ~~prior to the effective date of this act and the amount attributable to contractual bond obligations incurred by the school district on or after the effective date of this act under paragraphs (4)(B)(i), (4)(B)(ii) and (4)(B)(iii) of this subsection (b);~~

(6) multiply each of the amounts computed under (5) by the applicable state aid percentage factor; and

(7) add the products obtained under (6). The amount of the sum is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the

school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund ~~except that all such transfers during the fiscal year ending June 30, 2007, shall be considered to be revenue transfers from the state general fund.~~

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

(f) Amounts transferred to the capital improvements fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is entitled to receive under this section.

New Sec. 3. (a) As used in this section:

(1) "School district" or "district" means a school district having less than 200 square miles in area and an enrollment of less than 400.

(2) "Joint committee" means the joint committee on state building construction.

(b) The board of education of any school district shall not authorize the issuance of any bonds for the construction of a new building without having first advised and consulted with the joint committee. Prior to the date of the hearing of the joint committee at which the board is scheduled to appear, the board shall submit any information requested by the joint committee. Following such hearing, the committee shall make a recommendation on the advisability of the proposed issuance of bonds. A copy of the committee's recommendation shall be provided to the school district and to the state board of education within 15 days of the date of the hearing.

(c) If the joint committee recommends against the issuance of any bonds for the construction of a new building and the district issues bonds for such construction, the district shall not be entitled to, and shall not receive, state aid for such bonds under K.S.A. 75-2319, and amendments thereto.

(d) The provisions of this section shall not apply to any district which is not entitled to state aid under K.S.A. 75-2319, and amendments thereto.

Sec. 4. K.S.A. 2009 Supp 72-8814 and 75-2319 are hereby repealed.”;

And by renumbering the remaining section accordingly;

Also on page 4, in line 34, by striking “Kansas register” and inserting “statute book”;

In the title, in line 10, by striking “2008 Supp. 72-8814”; in line 11, by striking “and 75-2319” and inserting “2009 Supp. 72-8814 and 75-2319”; and the bill be passed as amended.

Committee on **Government Efficiency and Fiscal Oversight** recommends **HB 2408, HB 2572** be passed.

Committee on **Health and Human Services** recommends **HB 2584, HB 2588** be passed.

Committee on **Health and Human Services** recommends **HB 2577** be amended on page 1, in line 21, by striking all after “the”; by striking all in line 22; in line 23, by striking all before the period and inserting “utilization of special skills to assist persons with addictions, and to assist such persons’ families and friends to achieve resolution of addiction through the exploration of the disease and its ramifications, the examination of attitudes and feelings, the consideration of alternative solutions and decision making, as these relate specifically to addiction. Evaluation and assessment, treatment including treatment plan development, case management, crisis intervention, referral, record keeping and clinical con-

sultation specifically related to addiction are within the scope of addiction counseling. At the clinical level of licensure addiction counseling includes independent practice limited to the diagnosis and treatment of substance use disorders"; in line 25, by striking all after "to"; in line 26, by striking "of"; in line 29, by striking all after "program"; by striking all in line 30; in line 31, by striking all before the period; in line 38, by striking "No" and inserting "On and after August 1, 2011, no"; in line 43, by striking "the effective date of this act" and inserting "August 1, 2011";

On page 3, in line 28, by striking "a" and inserting "an"; in line 35, by striking all after "to" where it appears for the last time; by striking all in lines 36 through 40; in line 41, by striking "disorders" and inserting "perform the duties of an addiction counselor";

On page 4, by striking all in lines 19 through 21 and inserting "engage in the practice of addiction counseling only"; in line 23, by striking all after "gram"; by striking all in lines 24 through 32; in line 33, by striking all before the period; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2589** be amended on page 2, in line 19, by striking "(1)"; in line 22, by striking "(2)" and inserting "(b)"; by striking all in lines 25 through 28; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 62** be amended on page 1, in line 35, by striking "2008" and inserting "2009";

On page 2, in line 33, by striking all after "(f)"; by striking all in lines 34 through 38 and inserting: "All costs associated with the evaluation requirements of the prevention and control plan shall be the responsibility of the student."; in line 43, by striking "2008" and inserting "2009";

In the title, in line 13, by striking "2008" and inserting "2009"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2585**, **HB 2668** be passed.

Committee on **Judiciary** recommends **HB 2432** be amended on page 1, after line 14, by inserting the following:

"New Section 1. (a) As used in article 32 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto:

(1) "Use of force" means any actual or constructive force, including, but not limited to, threats, displays or presentations of force directed toward another person or the actual application of force upon another person.

(2) "Use of deadly force" means any actual or constructive force described in paragraph (1) which is likely to cause imminent death or great bodily harm.

(b) The provisions of this section shall be construed and applied retroactively.

New Sec. 2. (a) For the purposes of K.S.A. 21-3211 and 21-3212, and amendments thereto, a person is presumed to have a reasonable belief that deadly force is necessary to prevent imminent death or great bodily harm to such person or another person if:

(1) The person against whom the force was used was:

(i) In the process of unlawfully or forcefully entering, or had unlawfully or forcefully entered, the dwelling, place of work or occupied vehicle of the person using force; or

(ii) had removed or was attempting to remove another person against such other person's will from the dwelling, place of work or occupied vehicle of the person using force; and

(2) the person using force had reason to believe that one of the conditions set forth in paragraph (1) was occurring or had occurred.

(b) The presumption set forth in subsection (a) does not apply if:

(1) The person against whom the force is used has a right to be in, or is a lawful resident of, the dwelling, place of work or occupied vehicle of the person using force, and there is not an injunction for protection from domestic violence or a written order of no contact against such person;

(2) the person sought to be removed is a child, grandchild or is otherwise in the lawful custody or under the lawful guardianship of the person against whom the force is used;

(3) the person using force is engaged in or attempting to escape from apprehension by law enforcement officers, or is using the dwelling, place of work or occupied vehicle to further a crime or escape from apprehension by law enforcement officers; or

(4) the person against whom the force is used is a law enforcement officer who enters or attempts to enter a dwelling, place of work or occupied vehicle in the lawful performance

of such officer's lawful duties, and the person using force knew or reasonably should have known that the person entering or attempting to enter was a law enforcement officer.”;

And by renumbering sections accordingly;

Also on page 1, in line 16, by striking “threat or”; also in line 16, by striking “against another” and inserting “upon or toward another person”; in line 18, by striking “threat or use of”; in line 21, by striking “threat or”; also in line 21, after “force” by inserting “upon or toward another person”; in line 23, by striking “threat or”; also in line 23, after “force” by inserting “upon or toward another person”; in line 26, by striking “threatening or”; also in line 26, after “force” by inserting “upon or toward another person”; in line 29, by striking “threat or”; also in line 29, by striking “against another” and inserting “upon or toward another person”; in line 31, by striking “threat or”; also in line 31, after “force” by inserting “upon or toward another person”; in line 33, after “dwelling” by inserting “, place of work”; in line 34, by striking “threat or”; also in line 34, after “force” by inserting “upon or toward another person”; in line 35, after “dwelling” by inserting “, place of work”; in line 36, by striking “threat or”; in line 37, after “force” by inserting “upon or toward another person”; in line 40, by striking “threatening or”; also in line 40, after “force” by inserting “upon or toward another person”; also in line 40, after “dwelling” by inserting “, place of work”; after line 41, by inserting the following:

“Sec. 4. K.S.A. 21-3213 is hereby amended to read as follows: 21-3213. A person who is lawfully in possession of property other than a dwelling, *place of work or occupied vehicle* is justified in the ~~threat or~~ use of force against another for the purpose of preventing or terminating an unlawful interference with such property. Only such degree of force or threat thereof as a reasonable man would deem necessary to prevent or terminate the interference may intentionally be used.”;

And by renumbering sections accordingly;

On page 2, in line 4, by striking “against”; also in line 4, before “such” by inserting “upon or toward”; in line 7, by striking “against”; in line 8, before “such” by inserting “upon or toward”; in line 12, by striking “threat or”; also in line 12, after “force” by inserting “upon or toward another person”; in line 16, by striking “threat or”; also in line 16, after “force” by inserting “upon or toward another person”; in lines 22 and 23, by striking “threat or”; also in line 23, after “force” by inserting “upon or toward another person”; in line 24, by striking “threat or”; also in line 24, after “force” by inserting “upon or toward another person”; in line 27, by striking “threatening or”; also in line 27, after “force” by inserting “upon or toward another person”; in line 28, by striking “threat or”; in line 29, after “force” by inserting “upon or toward another person”; in line 31, by striking “threat or”; also in line 31, after “force” by inserting “upon or toward another person”; in line 39, by striking “threat or”; also in line 39, after “force” by inserting “upon or toward another person”; in line 40, by striking “threatening or”;

On page 3, in line 1, by striking “threat or”; also in line 1, after “force” by inserting “upon or toward another person”; in line 2, by striking “threatening or”; in line 4, by striking “threat or”; in line 5, after “harm” by inserting “upon or toward another person”; in line 6, by striking “threat or”; in line 10, by striking “threat or”; also in line 10, after “force” by inserting “upon or toward another person”; in line 11, by striking “threatening or”; in line 13, by striking “threaten or”; also in line 13, after “force” by inserting “upon or toward another person”; in line 22, by striking “threat or”; also in line 22, after “force” by inserting “upon or toward another person”; in line 26, by striking “threatens or”; also in line 26, after “force” by inserting “upon or toward another person”; in line 29, by striking “threat or”; in line 30, after “force” by inserting “upon or toward another person”; also in line 30, by striking “threatened”; in line 31, by striking “or”; in line 33, by striking “threatening or”; in line 34, after “force” by inserting “upon or toward another person”; in line 39, by striking “threat or”; also in line 39, after “force” by inserting “upon or toward another person”; in line 40, by striking “threatening or”; also in line 40, after “force” by inserting “upon or toward another person”;

On page 4, in line 1, after “21-3212,” by inserting “21-3213,”; in line 4, by striking “statute book” and inserting “Kansas register”;

In the title, in line 11, after “3212,” by inserting “21-3213,”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2583** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2583,” as follows:

“Substitute for HOUSE BILL No. 2583

By Committee on Judiciary

“AN ACT concerning open records; relating to an individual’s contact information; amending K.S.A. 2009 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 2009 Supp. 45-221i.”; and the substitute bill be passed.

(**Sub. HB 2583** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **HB 2667** be amended on page 5, in line 35, after “residency” by inserting “, or both,”;

On page 11, in line 17, after “prior” by inserting “child support”; after line 38, by inserting the following:

“New Sec. 37. Sections 1 through 41, and amendments thereto, shall be known as the Kansas domestic relations code.

New Sec. 38. The provisions of the Kansas domestic relations code shall be construed to secure the just, speedy, inexpensive and equitable determination of issues in all domestic relations matters.

New Sec. 39. Procedure under the Kansas domestic relations code shall be governed by the code of civil procedure, except as the Kansas domestic relations code may otherwise specifically provide.

New Sec. 40. Evidence under the Kansas domestic relations code shall be governed by the rules of evidence, except as the Kansas domestic relations code may otherwise specifically provide.

New Sec. 41. A decree in an action under article 16 of chapter 60 of the Kansas Statutes Annotated and sections 4 through 11, and amendments thereto, may include orders on the following matters:

(a) Changing or terminating the parties’ marital status by dissolution, annulment or separate maintenance;

(b) making an equitable division of the parties’ property as authorized by sections 12 and 13, and amendments thereto;

(c) regarding spousal support as authorized by K.S.A. 60-1618 and sections 14 through 17, and amendments thereto;

(d) changing one or both parties’ names as authorized by section 10, and amendments thereto;

(e) allocating parental decision-making and entering a parenting plan as authorized by K.S.A. 60-1614, 60-1615, 60-1620, 60-1623, 60-1624, 60-1625, 60-1626, 60-1628, 60-1629, 60-1630, sections 18 through 25, and amendments thereto;

(f) child support as authorized by sections 30 through 35, and amendments thereto; and

(g) awarding costs and attorneys fees to either party under section 9, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

On page 13, in line 21, by striking “9, 10, 13,”; in line 22, by striking “18, 19, 20, 21, 22, 23,”; also in line 22, by striking “26,”;

On page 14, in line 38, by striking “7, 9, 10, 13, 14, 15, 16, 17, 18, 19,”; in line 39, by striking “20, 21, 22, 23, 24, 26,”;

On page 15, in line 3, by striking “9, 10,”; in line 4, by striking “13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23,”; also in line 4, by striking “26,”;

On page 16, in line 11, by striking “2007” and inserting “2009”; in line 12, by striking “9, 10, 13,”; also in line 12, by striking “18, 19, 20, 21, 22, 23,”; also in line 12, by striking “26,”;

On page 17, in line 3, by striking “2007” and inserting “2009”;

On page 18, in line 23, by striking “7, 9, 10, 13,”; by striking all in line 24 and inserting “17 and 33,”;

On page 19, in line 13, by striking “1 and 2,” and inserting “13 through 24, section 26, and sections 30 through 35”; in line 17, by striking “9, 10, 13,”; in line 18, by striking “18, 19, 20, 21, 22, 23,”; also in line 18, by striking “26,”; in line 34, by striking “9, 10, 13, 14, 15, 16, 17,”; in line 35, by striking “30, 31, 32, 33, 34 and 35,” and inserting “27 and 28,”;

On page 20, in line 11, by striking “9, 10, 13, 14, 15,”; in line 12, by striking “16, 17,”; also in line 12, by striking “30, 31, 32, 33, 34 and 35,” and inserting “27 and 28,”; in line 15, by striking “9, 10, 13, 14, 15, 16, 17,”; also in line 15, by striking “30, 31, 32, 33,”; in line 16, by striking “34 and 35,” and inserting “27 and 28,”; in line 18, by striking “9, 10, 13, 14, 15, 16, 17,”; in line 19, by striking “30, 31, 32, 33, 34 and 35,” and inserting “27 and 28,”; in line 26, by striking “9, 10, 13,”; in line 27, by striking “14, 15, 16, 17,”; also in line 27, by striking “24, 26, 30, 31, 32, 33, 34 and 35,” and inserting “24 and 26,”;

On page 22, in line 20, by striking “38-1101” and inserting “38-1110”; in line 21, by striking “38-”; in line 22, by striking “1101” and inserting “38-1110”; in line 24, by striking “9, 10, 13,”; in line 29, by striking “sections 7, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20,”; in line 30, by striking “21, 22, 23, 24, 26, 30, 31, 32, 33, 34 and 35,” and inserting “60-1601 et seq.”; also in line 30, by striking “38-1101” and inserting “38-1110”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2650** be passed.

Committee on **Transportation** recommends **HB 2561** be amended on page 1, in line 22, by striking “15” and inserting “10”; in line 23, by striking “existing” and inserting “existing”; following line 24, by inserting the following:

“(d) The secretary of transportation shall adopt such rules and regulations necessary to implement the provisions of this section, including any requirements for highway signage.”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2623** be amended on page 1, in line 16, by striking “any material, including”; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2434, HB 2548 reported correctly engrossed February 15, 2010.

REPORT ON ENROLLED BILLS

HB 2125; S. Sub. for HB 2353 reported correctly enrolled, properly signed and presented to the governor on February 16, 2010.

REPORT ON ENROLLED RESOLUTIONS

HR 6016 reported correctly enrolled and properly signed on February 15, 2010.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 929, under Introduction of Original Motions and House Resolutions, the number of the resolutions should be 6017.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, February 17, 2010.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

